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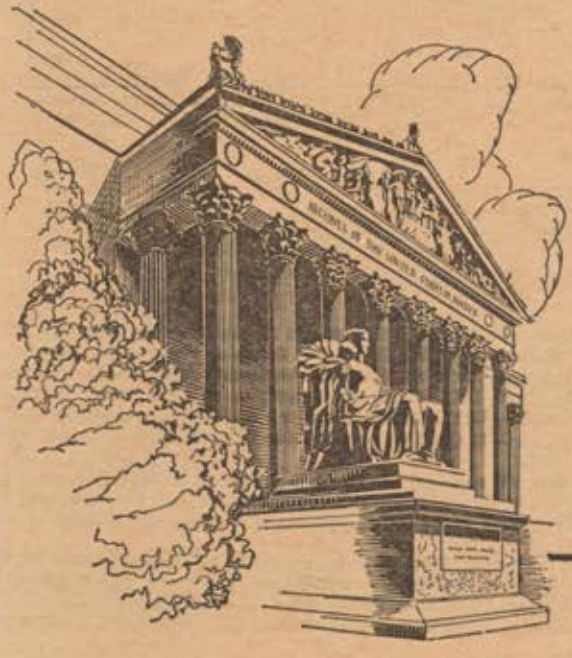

FEDERAL REGISTER

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(Codification Guide)

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Title 3—THE PRESIDENT

Executive Order 11363

DESIGNATING THE INTERNATIONAL SECRETARIAT FOR VOLUNTEER SERVICE AS A PUBLIC INTERNATIONAL ORGANIZATION ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act (59 Stat. 669; 22 U.S.C. 288), and having found that the United States participates in the International Secretariat for Volunteer Service under the authority of section 301 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2221), section 628 of the Act of September 4, 1961 (22 U.S.C. 2388), and section 14 of the Act of September 22, 1961 (22 U.S.C. 2513), I hereby designate the International Secretariat for Volunteer Service as a public international organization entitled to enjoy the privileges, exemptions, and immunities provided by the International Organizations Immunities Act.

Lyndon B. Johnson

THE WHITE HOUSE,
July 20, 1967.

[F.R. Doc. 67-8611; Filed, July 20, 1967; 4:37 p.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that an additional position of Associate Solicitor in the Office of the Solicitor, Department of the Interior, is excepted under Schedule C. Effective on publication in the FEDERAL REGISTER, subparagraph (4) of paragraph (b) of § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

* * * * *

(b) *Office of the Solicitor.* * * *

(4) Seven Associate Solicitors.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–58 Comp., 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-8498; Filed, July 21, 1967; 8:46 a.m.]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Witchweed

REGULATED AREAS

Correction

In F.R. Doc. 67-7516, appearing at page 9499 of the issue for Saturday, July 1, 1967, the following correction is made in the matter for Richmond County, N.C., in § 301.80-2a: In the entry for the James Rush farm, in the third column of page 9502, "State Secondary Road 1480" should read "State Secondary Road 1489".

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTIES DESIGNATED FOR BARLEY CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following counties are hereby added to the lists of counties published March 18, 1967 (32 F.R. 4276), and June 16, 1967 (32 F.R. 8665), which were designated for barley crop insurance for the 1968 crop year.

MONTANA

Golden Valley.
Musselshell.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-8513; Filed, July 21, 1967; 8:48 a.m.]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1961 and Succeeding Crop Years

APPENDIX; COUNTY DESIGNATED FOR WHEAT CROP INSURANCE

Pursuant to authority contained in § 401.1 of the above-identified regulations, as amended, the following county is hereby added to the lists of counties published March 18, 1967 (32 F.R. 4275), March 31, 1967 (32 F.R. 5416), and June 16, 1967 (32 F.R. 8665), which were designated for wheat crop insurance for the 1968 crop year.

TENNESSEE

Lauderdale.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] JOHN N. LUFT,
Manager,
Federal Crop Insurance Corporation.

[F.R. Doc. 67-8514; Filed, July 21, 1967; 8:48 a.m.]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 212]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.512 Valencia Orange Regulation 212.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and this part (Order No. 908, as amended), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 20, 1967.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period July 23, 1967, through July 29, 1967, are hereby fixed as follows:

(i) District 1: 135,000 cartons;

(ii) District 2: 365,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in the section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 21, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8623; Filed, July 21, 1967; 11:23 a.m.]

[Lemon Reg. 277]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.577 Lemon Regulation 277.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on July 18, 1967.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period July 23, 1967, through July 29, 1967, are hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 232,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 20, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8572; Filed, July 21, 1967; 8:48 a.m.]

[Prune Reg. 5]

PART 924—FRESH PRUNES GROWN IN DESIGNATED COUNTIES IN WASHINGTON AND IN UMATILLA COUNTY, OREG.

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement and Order No. 924 (7 CFR Part 924), regulating the handling of fresh prunes grown in designated counties in Washington and in Umatilla County, Oreg., effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the recommendations of the Washington-Oregon Fresh Prune Marketing Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of fresh prunes, in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 24, 1967. A reasonable determination as to the supply of, and the demand for, prunes must await the development of the crop and adequate information thereon was not available to the Washington-Oregon Fresh Prune Marketing Committee until July 11, 1967, recommendation as to the need for, and the extent of, regulation of shipments of such prunes was made at the meeting of said committee on July 11, 1967, after consideration of all available information relative to the supply and demand conditions for such prunes, at which time the recommendation and supporting information were submitted to the Department; necessary supplemental information for consideration in connection with the specifications of the provisions were not available until July 14, 1967; shipments of the current crop of such prunes will begin on or about July 24, 1967, and this regulation should be applicable, insofar as practicable, to all shipments of such prunes in order to effectuate the declared policy of the act; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 924.306 Prune Regulation 5.

(a) Order: Prune Regulation 4, as amended (31 F.R. 10035, 10665), is hereby terminated on July 24, 1967.

(b) During the period July 24, 1967, through July 31, 1968, no handler shall handle any lot of prunes unless such prunes meet the following applicable requirements, or are handled in accordance with subparagraph (2) of this paragraph:

(1) Minimum grade requirement: Such prunes grade at least U.S. No. 1: *Provided*, That any prunes having not less than two-thirds (⅔) of the surface with purplish color may be shipped if they otherwise grade at least U.S. No. 1.

(2) Notwithstanding any other provision of this section, any individual shipment which, in the aggregate, does not exceed 500 pounds, net weight, of prunes of the Brooks, Stanley, or Merton varieties of prunes, or 150 pounds, net weight, of prunes of any variety other than Brooks, Stanley, or Merton varieties of prunes, which meets each of the following requirements may be handled without regard to the restrictions of this paragraph, of § 924.41 (Assessments), and of § 924.55 (Inspection and Certification):

(i) The shipment consists of prunes sold for home use and not for resale; and

(ii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(3) The term "U.S. No. 1" shall have the same meaning as when used in the U.S. Standards for Fresh Plums and Prunes (§§ 51.1520–51.1537 of this title); the term "purplish color" shall have the same meaning as when used in the Washington State Department of Agriculture Standards for Italian Prunes (May 1954) and in the Oregon State Department of Agriculture Standards for Italian Prunes (July 1965); and, except as otherwise

specified, all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: July 19, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-8508; Filed, July 21, 1967; 8:47 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 127]

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

Order Suspending Certain Provision

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the San Antonio, Tex., marketing area (7 CFR Part 1127), it is hereby found and determined that:

(a) The following provision of the order no longer tends to effectuate the declared policy of the Act for the period from July 1, 1967, through August 31, 1967: The provision contained in § 1127.-11 which reads: ": *Provided*, That if the days of production of such person for which milk is diverted exceed one-third of the days of production that milk is delivered to a pool plant during the month, such milk shall cease to be producer milk for the entire period of such diversions".

(b) Thirty days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(1) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date.

(2) This suspension order is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area.

(3) This suspension order will continue for another 2 months an earlier suspension of such provision for April through June 1967 and is necessary to provide for the orderly disposal of producer milk excess to fluid milk needs by removing a limitation on diversions of such producer milk to manufactured product uses at nonpool plants. Much of the reserve milk for this market has been handled at pool plants operated by cooperative associations where it was used in the manufacture of semiprocessed cheese which is shipped to distant points for final processing. The outlet for this semiprocessed cheese is not currently available, so that larger quantities of producer milk must be diverted to nonpool plants under the producer milk diversion provisions of the order.

(4) Interested parties were afforded opportunity to file written data, views, or arguments concerning this suspension (32 F.R. 9697). None were filed in opposition to the proposed suspension. A cooperative association of producers filed views requesting continuation of the earlier suspension referred to hereinbefore to assist in disposing of excess milk on the market resulting from loss of some sales outlets and a continued seasonally high production this year.

It is therefore ordered, That the aforesaid provision of the order is hereby suspended for the period of July 1, 1967, through August 31, 1967.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1967.

Signed at Washington, D.C., on July 18, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-8486; Filed, July 21, 1967; 8:45 a.m.]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1966 and Subsequent Years Tung Oil Warehouse-Stored Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Tung Oil Warehouse-Stored Loan Program

1967 TUNG OIL SUPPORT RATE

The Commodity Credit Corporation will support the price of 1967-crop tung nuts by means of warehouse-stored loans on eligible 1967-crop tung oil under the terms and conditions set forth in the General Regulations Governing Price Support for the 1964 and Subsequent Crops (Rev. 1) (31 F.R. 5941) and any amendments thereto, as supplemented by the Tung Oil Warehouse-Stored Loan Program Regulations, 31 F.R. 11932. In order to provide a price support loan rate for 1967-crop tung oil, § 1421.3695 of the Tung Oil Warehouse-Stored Loan Program Regulations is hereby amended to read as follows:

§ 1421.3695 Support rate.

Loans on eligible tung oil produced from 1966-crop tung nuts shall be made at the rate of 24 cents per pound. Loans on eligible tung oil produced from 1967-crop tung nuts shall be made at the rate of 24 cents per pound.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, as amended, 1054; 15 U.S.C. 714c, 7 U.S.C. 1446, 1421)

Effective date. This amendment shall become effective upon filing with the Office of the Federal Register for publication.

Signed at Washington, D.C., on July 18, 1967.

H. D. GODFREY,
Executive Vice President, Commodity Credit Corporation.

[F.R. Doc. 67-8510; Filed, July 21, 1967; 8:47 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating modified certified brucellosis areas is hereby amended to read as follows:

§ 78.13 Modified certified brucellosis areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis areas:

Alabama. Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Calhoun, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Covington, Crenshaw, Cullman, Dale, Dallas, De Kalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Hale, Henry, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marion, Marshall, Mobile, Monroe, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Russell, St. Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, and Winston Counties;

Alaska. The entire State except Kodiak, Sitkalidak, and Chirikof Islands;

Arizona. The entire State;

Arkansas. The entire State;

California. The entire State;

Colorado. Adams, Alamosa, Arapahoe, Archuleta, Baca, Bent, Boulder, Chaffee, Cheyenne, Clear Creek, Conejos, Costilla, Crowley, Custer, Delta, Denver, Dolores, Douglas, Eagle, Elbert, El Paso, Fremont, Garfield, Gilpin, Gunnison, Hinsdale, Huerfano, Jackson, Jefferson, Kiowa, Kit Carson, Lake, La Plata, Larimer, Las Animas, Lincoln, Logan, Mesa, Mineral, Moffat, Montezuma, Montrose, Morgan, Otero, Ouray, Park, Phillips, Pitkin, Prowers, Pueblo, Rio Blanco, Rio Grande, Saguache, San Juan, San Miguel,

Sedgwick, Teller, Washington, Weld, and Yuma Counties; and Southern Ute Indian Reservation and Ute Mountain Ute Indian Reservation;

Connecticut. The entire State;

Delaware. The entire State;

Florida. Baker, Bay, Bradford, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Manatee, Nassau, Okaloosa, Santa Rosa, Sarasota, Suwannee, Taylor, Union, Wakulla, Walton, and Washington Counties;

Georgia. The entire State;

Hawaii. Honolulu, Kauai, and Maui Counties;

Idaho. The entire State;

Illinois. The entire State;

Indiana. The entire State;

Iowa. The entire State;

Kansas. The entire State;

Kentucky. The entire State;

Louisiana. Ascension, Assumption, Bienville, Claiborne, Iberia, Jackson, Jefferson, La Fourche, Lincoln, Livingston, St. Charles, St. Helena, St. James, St. John the Baptist, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vernon, Washington, Webster, West Baton Rouge, and Winn Parishes;

Maine. The entire State;

Maryland. The entire State;

Massachusetts. The entire State;

Michigan. The entire State;

Minnesota. The entire State;

Mississippi. Alcorn, Amite, Attala, Benton, Calhoun, Chickasaw, Choctaw, Clarke, Clay, Coahoma, Copiah, Covington, De Soto, Forrest, Franklin, George, Greene, Grenada, Hancock, Harrison, Itawamba, Jackson, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lamar, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Marion, Monroe, Montgomery, Neshoba, Newton, Oktibbeha, Pearl River, Perry, Pike, Pontotoc, Prentiss, Simpson, Smith, Stone, Tallahatchie, Tate, Tippah, Tishomingo, Union, Walthall, Wayne, Webster, Winston, and Yalobusha Counties;

Missouri. The entire State;

Montana. The entire State;

Nebraska. Adams, Antelope, Banner, Boone, Buffalo, Burt, Butler, Cass, Cedar, Chase, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawson, Deuel Dixon, Dodge, Douglas, Dundy, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Greeley, Hall, Hamilton, Harlan, Hayes, Hitchcock, Howard, Jefferson, Johnson, Kearney, Kimball, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Phelps, Pierce, Platte, Polk, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Sioux, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, and York Counties;

Nevada. The entire State;

New Hampshire. The entire State;

New Jersey. The entire State;

New Mexico. The entire State;

New York. The entire State;

North Carolina. The entire State;

North Dakota. The entire State;

Ohio. The entire State;

Oklahoma. Adair, Alfalfa, Atoka, Bryan, Canadian, Cherokee, Choctaw, Cimarron, Coal, Craig, Delaware, Garfield, Grant, Greer, Harmon, Harper, Haskell, Jackson, Johnson, Kay, Kingfisher, Kiowa, Latimer, McCurtain, McIntosh, Major, Mayes, Noble, Nowata, Okfuskee, Oklahoma, Osage, Ottawa, Payne, Pushmataha, Texas, Washington, Washita, and Woods Counties;

Oregon. The entire State;

Pennsylvania. The entire State;

Rhode Island. The entire State;

South Carolina. The entire State;

South Dakota. Beadle, Bennett, Brookings, Brown, Buffalo, Butte, Campbell, Clark, Clay, Codington, Corson, Custer, Day, Deuel, Edmunds, Fall River, Faulk, Grant, Haakon, Hamlin, Hand, Hanson, Harding, Jackson, Jerauld, Kingsbury, Lake, Lawrence, Lincoln, McCook, McPherson, Marshall, Meade, Miner, Minnehaha, Moody, Pennington, Perkins, Roberts, Sanborn, Shannon, Spink, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;

Tennessee. The entire State;

Texas. Armstrong, Bailey, Baylor, Bell, Bexar, Blanco, Borden, Bosque, Brewster, Briscoe, Brooks, Brown, Caldwell, Callahan, Cameron, Castro, Childress, Cochran, Coke, Coleman, Collingsworth, Comal, Comanche, Concho, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Duval, Eastland, Ector, Edwards, El Paso, Erath, Falls, Fisher, Gaines, Garza, Gillespie, Glasscock, Gray, Guadalupe, Hale, Hansford, Hardeman, Hartley, Haskell, Hays, Hidalgo, Hockley, Hood, Howard, Hutchinson, Irion, Jack, Jeff Davis, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kent, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lee, Lipscomb, Live Oak, Llano, Lubbock, Martin, Mason, Medina, Menard, Midland, Milam, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Palo Pinto, Parker, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Somervell, Stephens, Sterling, Stonewall, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Williamson, Wilson, Winkler, Yoakum, and Young Counties;

Utah. The entire State;

Vermont. The entire State;

Virginia. The entire State;

Washington. The entire State;

West Virginia. The entire State;

Wisconsin. The entire State;

Wyoming. Albany, Big Horn, Campbell, Carbon, Converse, Crook, Fremont, Goshen, Hot Springs, Johnson, Laramie, Lincoln, Natrona, Niobrara, Park, Platte, Sublette, Sweetwater, Teton, Uinta, Washakie, and Weston Counties;

Puerto Rico. The entire area; and

Virgin Island of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended; 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds the following areas to the list of areas designated as modified certified brucellosis areas because it has been determined that such areas come within the definition of § 78.1(i): Lowndes County in Alabama; Iberia County in Louisiana; Coahoma, Calhoun, and Copiah Counties in Mississippi; Washita County in Oklahoma; Jim Hogg, Falls, and Milam Counties in Texas.

The following nine Counties in Texas were deleted from the list of modified certified brucellosis areas on the following dates: Bandera and Hudspeth, December 21, 1966; Floyd, Kerr, Lynn, and Sutton, March 17, 1967; Andrews, Real, and Reeves, April 29, 1967. Since said dates, it has been determined that such Counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as modified certified brucellosis areas.

The amendment deletes the following area from the list of areas designated as modified certified brucellosis areas because it has been determined that such area no longer comes within the definition of § 78.1(i): Carson County in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C., section 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of July 1967.

E. E. SAULMON,
Director, Animal Health Division, Agricultural Research Service.

[F.R. Doc. 67-8509; Filed, July 21, 1967; 8:47 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 67-SW-15; Amdt. 39-446]

PART 39—AIRWORTHINESS DIRECTIVES

Aero Commander Models 500A, 500B, 560F, 680F, 680F (Pressurized), 680FL, and 680FL(P) Airplanes

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring the modification of the main landing gear upper retaining bearing on Aero Commander Model 500A, 500B, 560F, 680F, 680F (Pressurized), 680FL, and 680FL (P) airplanes was published in 32 F.R. 6099.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AERO COMMANDER. Applies to Models 500A, 500B, 560F, 680F, 680F (Pressurized), 680FL, and 680FL(P) airplanes, serial numbers 871, 875, and 893 through 1535 except 1496, 1515, 1517, 1519, 1527, 1531, 1532, and 1534.

Compliance required within the next 25 hours time in service after the effective date of this AD, unless the modification has already been accomplished in accordance with Aero Commander Service Bulletin 83A dated June 25, 1965.

To prevent the main landing gear upper retaining bearing from rotating, accomplish the following:

Modify the main landing gear in accordance with Aero Commander Service Bulletin 83A dated June 25, 1965, or an equivalent approved by the Director, Southwest Region, Federal Aviation Administration. Stamp the letter "B" after the design number on each landing gear data plate after the modification is made. Modification in accordance herewith obviates modification in accordance with Amendment 676 (29 F.R. 558), AD 64-2-1.

This amendment becomes effective August 28, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Fort Worth, Tex., on July 14, 1967.

HENRY L. NEWMAN,
Director, Southwest Region.

[F.R. Doc. 67-8500; Filed, July 21, 1967; 8:46 a.m.]

[Airworthiness Docket No. 67-WE-18-AD; Amdt. 39-445]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There have been reports of failures of the main gear downlock rod assemblies on Boeing Model 727 Series airplanes which in two cases resulted in out-of-sequence operation of the door sequence valve and also in the gear falling on a closing door thus jamming the door and gear. With the door and gear jammed neither the normal hydraulic system nor the manual extension system can be used to extend the main gear. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require corrective action in the form of:

1. Inspection of the downlock rod and its attach bolts for wear on Boeing Model 727 Series airplanes having 800 or more hours time in service on the effective date of this AD;

2. Removal of the main gear uplock safety trigger cam, rework of the door sequence valve link, and replacement of the uplock switch link on affected airplanes; and

3. Replacement of the downlock rod attach bolts and nuts, installation of a reworked downlock rod with a metal-cal, and rework of the downlock rod or clevis holes on the main gear downlock torque shaft or tube as necessary on affected airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING. Applies to Model 727 Series airplanes listed in Boeing Service Bulletin No. 32-123 (R-1 dated June 5, 1967). Compliance required as indicated.

To detect visible wear and deformation of the main gear downlock rod and its attach bolts, to prevent wear and failure of the attach bolts caused by bolt rotation, and to prevent out-of-sequence operation of the door sequence valve following either rod failure or bolt failure, accomplish the following:

(a) For those airplanes having a main gear downlock rod assembly with 800 or more hours' time in service on the effective date of this AD, within the next 50 hours time in service, unless already accomplished within the previous 750 hours time in service, inspect each main gear downlock rod assembly for wear and deformation in accordance with Boeing telegraphic Service Bulletin No. 32-123 dated April 14, 1967, which is also repeated in the section entitled "I. Planning Information * * * C. Description * * * Part I * * *" of Boeing Service Bulletin 32-123 (R-1 dated June 5, 1967).

(b) If wear or deformation is detected during the inspection conducted in accordance with paragraph (a), unless already accomplished in accordance with subparagraph (1) or (2) of this paragraph, replace the affected part(s) before further flight (except that the airplane may be flown with the gear down in accordance with FAR 21.197 to a base where the replacement or modification can be performed) by accomplishing (1) or (2) below:

(1) Replace the affected part(s) with a new part(s) of the same part number and comply with subparagraph (2) of this paragraph within 750 hours time in service after this replacement; or

(2) Except as provided in this subparagraph, modify the main gear downlock rod assembly(ies) incorporating the replacement part(s) in accordance with the section entitled "II. Accomplishment Instructions * * * Part II * * *," of Boeing Service Bulletin No. 32-123 (R-1 dated June 5, 1967) or later FAA-approved revision or by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. Replacement of the downlock rod must be accomplished by installing downlock rod P/N 69-33654-2 with metal-cal BAC27DLG14 installed or P/N 69-33654-3 with metal-cal BAC27DLG14 installed. Provisions of the Boeing Service Bulletin referenced herein applicable to modification of the downlock pushrod are not incorporated by reference in this AD and the modification of this assembly need not be accomplished hereunder.

(c) For all airplanes, within the next 800 hours time in service after the effective date of this AD, unless already accomplished, modify each main gear downlock rod assembly in accordance with that section entitled "II. Accomplishment Instructions * * * Part II * * *" of Boeing Service Bulletin No. 32-123 (R-1 dated June 5, 1967) and the main gear uplock assembly in accordance with that section entitled "II. Accomplishment Instructions * * * Part III * * *" of that Service Bulletin or later FAA-approved revision or by an equivalent method approved by the Chief, Aircraft Engineering Division, FAA Western Region. Replacement of the downlock rod must be accomplished by installing downlock rod P/N 69-33654-2 with metal-cal BAC27DLG14 installed, or P/N 69-33654-3 with metal-cal BAC27DLG14 installed. Provisions of the Boeing Service Bulletin referenced herein applicable to a modification of the downlock pushrod are not incorporated by reference in this AD and the modification of this assembly need not be accomplished hereunder.

NOTE: The absence of a requirement in paragraphs (b) and (c) of this AD to modify the downlock pushrod assembly is not intended to discourage operators from incorporating this modification. It merely indicates that the FAA does not deem this modification necessary to correct the unsafe condition described in this AD.

(d) Operators who have not kept records of hours time in service of individual main gear downlock rod assemblies shall substitute hours time in service of the airplane in lieu thereof.

(e) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Regional Director, FAA Western Region, may adjust the compliance times herein if the request contains substantiating data to justify the increase for that operator.

This amendment becomes effective July 24, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to The Boeing Co., Commercial Airplane Division, Post Office Box 707, Renton, Wash. 98055. These documents may also be examined at FAA Western Region, 5651 West Manchester Avenue, Los Angeles, Calif. 90045 and FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at FAA Western Region.

Issued in Los Angeles, Calif., on July 12, 1967.

ARVIN O. BASNIGHT,
Regional Director, Western Region.

NOTE: The incorporation of reference provisions in this document were approved by the Director of the Federal Register on July 21, 1967.

[F.R. Doc. 67-8501; Filed, July 21, 1967; 8:46 a.m.]

[Airspace Docket No. 67-WA-12]

PART 75—ESTABLISHMENT OF JET ROUTES

Alteration and Designation of Jet Routes

On April 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 5473) stating that the Federal Aviation Administration (FAA) was considering amendments to Part 75 of the Federal Aviation Regulations which would realign and designate several jet routes to facilitate the provision of air traffic control service in the Chicago, Ill., and adjacent air route traffic control center areas.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Only one comment was received in response to the notice. This

comment, received from the Air Transport Association of America (ATA), concurred with the proposed actions with the exception of the new jet route proposed from Dubuque, Iowa, to Minneapolis, Minn. The ATA objection stated that there was insufficient justification to warrant the designation of this new jet route. The ATA contends Jet Route No. 30 adequately serves scheduled air traffic between Minneapolis and Chicago.

The present procedure when moderate to heavy traffic conditions prevail is to route southwest bound flights from Minneapolis via Jet Route No. 30. Northwest bound aircraft departing from Chicago for Minneapolis are provided radar vectors by Chicago Air Route Traffic Control Center to route them west of J-30 on a course towards Rochester, Minn. The Minneapolis Air Route Traffic Control Center continues the radar vectors west of J-30 towards Farmington, Minn., at which point the aircraft are handed off to Minneapolis Approach Control.

A comprehensive review of the high altitude traffic between Chicago and Minneapolis was conducted by the FAA on April 7, 1967, for a 24-hour period. This review showed a total of 81 aircraft movements between these two points. Of this total, approximately 60 movements are scheduled each day. The review showed a traffic control problem in the vicinity of Nodine, Minn., where opposite direction traffic must climb and descend through each other's altitude. Radar vectoring was required for 96 percent of the flights. We believe that a parallel route which provides navigational guidance for the pilot, in addition to our radar service, would be more efficient and desirable from both the user and ATC point of view.

The designation of the new jet route between Dubuque and Minneapolis will reduce the amount of radar vectoring required and will also provide an alternate high altitude route to be utilized by air traffic control when moderate to heavy traffic conditions prevail between Chicago and Minneapolis.

Several actions proposed in the notice were to designate new jet route segments from Hays Center, Nebr., to Dubuque via Wolbach, Nebr.; from Cimarron, N. Mex., to Garden City, Kans.; and to redesignate Jet Route No. 100 segment from Bryce Canyon, Utah, to Meeker, Colo. These proposals are being adopted herein and are being incorporated into existing or renumbered jet route alignments. These single number assignments will provide more flexibility for high altitude operations between Chicago and west coast terminals and will facilitate flight plan handling.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., September 14, 1967, as hereinafter set forth.

1. Section 75.100 (32 F.R. 2341, 3740, 5988, 7126), is amended as follows:

a. In Jet Route No. 82 all between "Fort Dodge, Iowa;" and "Joliet;" is deleted and "Dubuque, Iowa; INT of Dubuque 095° and Joliet, Ill., 317° radials;" is substituted therefor.

b. In Jet Route No. 84 all after "Des Moines, Iowa;" is deleted and "Dubuque, Iowa; to Northbrook, Ill." is substituted therefor.

c. In Jet Route No. 94 all between "Fort Dodge, Iowa;" and "Northbrook;" is deleted and "Dubuque, Iowa;" is substituted therefor.

d. Jet Route No. 96 is added:

JET ROUTE NO. 96 (LOS ANGELES, CALIF., TO JOLIET, ILL.)

From Los Angeles, Calif., via Ontario, Calif.; INT of Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, Ariz.; Winslow, Ariz.; Gallup, N. Mex.; Cimarron, N. Mex.; Garden City, Kans.; Salina, Kans.; Kirksville, Mo.; Bradford, Ill.; and to Joliet, Ill.

e. Jet Route No. 100 is amended to read as follows:

JET ROUTE NO. 100 (LOS ANGELES, CALIF., TO NORTHBROOK, ILL.)

From Los Angeles, Calif., via Hector, Calif.; Boulder, Nev.; Bryce Canyon, Utah; Meeker, Colo.; Sidney, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill.

f. Jet Route No. 113 is added:

JET ROUTE NO. 113 (NORTHBROOK, ILL., TO MINNEAPOLIS, MINN.)

From Northbrook, Ill., via Dubuque Iowa; to Minneapolis, Minn.

g. In Jet Route No. 128 "(Los Angeles, Calif., to Denver, Colo.)" is deleted and "(Los Angeles, Calif., to Northbrook, Ill.)" is substituted therefor and "to Denver, Colo." is deleted and "Denver, Colo.; Hays Center, Nebr.; Wolbach, Nebr.; Dubuque, Iowa; to Northbrook, Ill." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on July 18, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-8516; Filed, July 21, 1967; 8:48 a.m.]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

PART 60—PUBLIC INFORMATION

In order to further implement section 552, Title 5, United States Code, as amended by Public Law 90-23, June 6, 1967 (81 Stat. 54), and pursuant to Department Order 64, 32 F.R. 9734 of July 4, 1967, a new Part 60 is hereby added to Chapter I, Subtitle B, Title 15, Code of Federal Regulations. The new part describes the arrangements whereby the materials specified in section 552(a)(2) are made available for public inspection and copying, and the procedures and other conditions whereby identifiable records requested by persons may be made available to them pursuant to section 552(a)(3). The new Part 60 reads as follows:

Sec.
60.1 Scope and purpose.
60.2 Policies.
60.3 Definitions.
60.4 Publication in the FEDERAL REGISTER.
60.5 Availability of materials for inspection and copying.
60.6 Confidentiality of data collected by the Bureau of the Census.
60.7 Requests for identifiable records.
60.8 Agency determinations of availability of records.
60.9 Fees and charges.
60.10 Arrangements for public inspection and copying of available records.
60.11 Requests for reconsideration of non-availability.
60.12 Subpoena or other compulsory process.

AUTHORITY: The provisions of this Part 60 issued pursuant to 5 U.S.C. 552, 553; 5 U.S.C. 301; Reorganization Plan No. 5 of 1950; other authorities vested by law in the Secretary of Commerce applicable to the dissemination of records and other information of the Department, including charges therefore; Department Order 64, 32 F.R. 9734 of July 4, 1967.

§ 60.1 Scope and purpose.

(a) This part contains the rules whereby the materials specified in 5 U.S.C. 552(a)(2), and the identifiable records requested under 5 U.S.C. 552(a)(3), are to be made publicly available by the Bureau of the Census.

§ 60.2 Policies.

Policies and other factors to be considered in issuing the rules in this part are set forth in Department Order 64.

§ 60.3 Definitions.

To the extent that terms used in this part are defined in 5 U.S.C. 551, they shall have the same definition herein.

§ 60.4 Publication in the *Federal Register*.

(a) Materials required to be published pursuant to the provisions of 5 U.S.C. 552(a)(1) have been and shall continue to be so published, in one of the following ways:

(1) By publication in the FEDERAL REGISTER of the Department Orders of the Department of Commerce, including any supplements and appendices thereto, and of appropriate Secretary of Commerce Circulars and Department Administrative Orders;

(2) By publication in the FEDERAL REGISTER of agency rules and regulations, and by their subsequent inclusion in the Code of Federal Regulations;

(3) By publication in the FEDERAL REGISTER of appropriate general notices; and

(4) By other forms of publication, when incorporated by reference in the FEDERAL REGISTER with the approval of the Director of the Federal Register.

(b) Those materials which are published in the FEDERAL REGISTER pursuant to 5 U.S.C. 552(a)(1) shall, to the extent practicable and to further assist the public, be made available for inspection and copying at the facility identified in § 60.5(c).

§ 60.5 Availability of materials for inspection and copying.

(a) The Director, Bureau of the Census shall, as provided in 5 U.S.C. 552

(a)(2) and subject to other provisions of law, establish and maintain a reference facility for the public inspection and copying of:

(1) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(2) Those statements of policy and interpretations which have been adopted by the Bureau and are not published in the FEDERAL REGISTER;

(3) Administrative staff manuals and instructions to staff that affect a member of the public;

(4) Current indexes providing identifying information for the public as to any matter which is (i) issued, adopted, or promulgated after July 4, 1967, and (ii) required to be made available or published by section 552(a)(2);

(5) Such additional materials as the Bureau of the Census may consider desirable and practicable to make available for the convenience of the public.

(b) The Bureau may, to prevent unwarranted invasion of personal privacy, delete identifying details when it makes available or publishes an opinion, statement of policy, interpretation, or staff manual or instruction, and shall, in each such case, explain in writing the justification for the deletion.

(c) The above materials may be inspected in the Bureau of the Census reference facility located at the Library Branch, Room 2455, f.o.b. No. 3, Bureau of the Census, Washington, D.C. 20233. This facility is open to the public Monday through Friday of each week, except on official Federal holidays, between the hours of 9 a.m. and 4:30 p.m. There are no fees or formal requirements for such inspections. Upon request, however, the facility will arrange to have copies of the above materials made at the cost shown in § 60.9(b)(3).

(d) Correspondence concerning the materials available in the facility should be sent to the above address. The telephone number of the facility is 440-1314, Area Code 301.

§ 60.6 Confidentiality of data collected by the Bureau of the Census.

(a) The Bureau of the Census is required by law to keep certain records confidential. Protection against unauthorized disclosures is provided by Title 13, U.S.C., section 9(a).

§ 60.7 Requests for identifiable records.

(a) The procedures of this section are applicable only to those records not customarily available to the public as part of the regular informational activities of the Bureau. The procedures and fees specifically do not apply to applications for personal census information. Applications for personal census information should be directed to the Bureau's Personal Census Service Branch at Pittsburg, Kansas.

(b) A person who wishes to inspect such a Bureau record should complete Form CD-244, "Application to Inspect Records," and submit this form, in person or by mail, to the facility identified in § 60.5(c). Copies of Form CD-244 are available from the reference facility.

(c) An application form shall be submitted for each record or group of records related to the same general subject matter. Each application form shall be accompanied by the nonrefundable application fee of $2.

(d) Detailed instructions for the completion of Form CD-244 are stated on the back of the form. Employees of the facility will assist the public to a reasonable extent in completing the form; however, the responsibility rests with the applicant for identifying each record sought in sufficient detail so that it can be located by personnel familiar with the filing of agency records. Each application shall clearly itemize, when there are more than one, each record requested so that it may be identified and its availability separately determined.

(e) The staff of the facility will review the application for completeness, and will record receipt of the fee. If the application appears in order, it shall be forwarded to the Bureau official who would appear to have official custody of the requested record to determine whether it is an identifiable and disclosable record. If the application is incomplete in some substantial and material respect, it shall be promptly returned to the applicant to complete.

§ 60.8 Agency determinations of availability of records.

(a) The official having custody of the record shall initially determine:

(1) Whether the requested record can be identified on the basis of the information supplied by the applicant. If he cannot identify the record, the application shall be transmitted to the facility for return to the applicant, specifying why it is not identifiable and what additional clarification, if any, the applicant may make to assist the facility in its identification.

(2) Whether the record, if identifiable, is still in existence or has been destroyed as provided by law, or is not in the possession of the organization. If the record no longer exists, the applicant shall be so notified, with the reason stated, via the facility. If the requested record is in another organization of the Department, or is the exclusive or primary concern of another executive department or agency, the application for such record shall be promptly referred to that other organization or agency for further action under its rules, and the applicant shall be promptly informed of this referral.

(b) If the requested record is identifiable and subject to the Bureau's determination as to its availability, the application shall be reviewed by an official authorized, pursuant to Department Order 64, to initially determine its availability. If he determines, as provided by law, that the record is not to be made available to the requesting person, said party shall receive in writing, the specific reason(s) why the record is not being disclosed, signed by the official making the determination.

(c) If the record is to be made available, and there are no further charges or fees, it shall be furnished to the requesting person. If, in accord with § 60.9, there are additional costs to be recovered from the applicant, they shall be estimated and the applicant notified that upon his payment of such estimated costs, subject to adjustment as provided in § 60.9, the record shall be made available to him.

§ 60.9 Fees and charges.

(a) In accord with Congressional policies that services performed hereunder are to be self-sustaining, as provided by law, appropriate fees and charges are hereby established to cover costs for application handling, record searching, reproduction, certification, and authentication, and for related expenses incurred by the Bureau with respect to records made available upon request under 5 U.S.C. 552(a)(3).

(b) The following fees are hereby established and payable to the Bureau:

(1) Application fee—per application.. $2.00

This fee is nonrefundable, and covers costs of accepting and reviewing the application, and making a determination as to the availability of the requested record. The $2 application fee does not apply to requests for personal census information, which should be directed to the Bureau's Personal Census Service Branch in Pittsburg, Kans. The fee for personal census service is $4 for a search in turn (4 to 6 weeks) and $5 for expedited service (about 2 weeks).

(2) Records search fee—per hour per person $5.00

This fee covers the costs of locating the desired record, transporting it by government messenger service to a point of inspection, supervising the inspection, and returning the record to its regular file. It also includes the costs of any copies of records made at the Bureau's option. The minimum fee charged for records search will be one-half hour ($2.50).

(3) Copies of records, if requested by applicant:	
(i) Xerographic or similar process—Up to 9 x 14 inches (each page)	$0.25
(ii) Photocopy or similar process—	
Up to 12 x 18 inches (each copy)	1.00
Over 12 x 18 inches, but less than 18 x 25 inches (each copy)	2.00
(4) Other forms of reproduction, as may be required by the nature of the original record	(1)
(5) Certification fee, if requested (applicable to each certification)	1.00
(6) Postage, registration, or other forwarding or packing fees—Applicable only if copies of records are requested to be shipped to a point other than the Bureau's reference facility	(2)

[1] Individual fee, sufficient to recover full cost.

[2] Actual cost.

(b) All fees and charges will be collected in advance. The applicant will be

given an estimate of the cost of records search for each application where disclosure availability is authorized. If actual cost exceeds the estimate, the applicant will have the option of either paying any additional costs, or inspecting the requested record to the extent covered by his payment. If the advance estimated payment is $1 or more in excess of both the actual cost and the minimum charge, a refund will be made of the excess above the higher of these two amounts.

(c) The fees set forth above are based upon an initial estimate of the costs to be incurred in providing the indicated services and may be revised as necessary to insure the recovery of full costs by the Bureau.

(d) The above fees are established solely for services provided pursuant to 5 U.S.C. 552(a)(3), and do not affect fees charged for other Bureau services to the public, as may be performed under other authorities.

§ 60.10 Arrangements for public inspection and copying of available records.

(a) Upon receipt of the records search fee, and any fees for additional services requested by the applicant, the requested record which has been determined to be available shall, unless the applicant has otherwise indicated, be transferred to the Bureau's reference facility, where it will be held for inspection by the applicant for 5-work days. The address, and hours of operation, of this facility are stated in § 60.5(c).

(b) During his inspection of the record at the facility, the applicant may copy by hand any portion of the record, may request the facility to make a copy thereof, and may obtain certification of a machine-copied record in accordance with the fee structure in § 60.9(a)(3).

(c) No changes or alterations of any type may be made to the record being inspected, nor may any matter be added to or subtracted therefrom. Papers bound or otherwise assembled in a record file may not be disassembled during inspection. Staff of the facility shall provide assistance if disassembly of a record is necessary for copying purposes, and are authorized to supervise public inspection as necessary to protect the records of the Department. The public is reminded of Title 18, United States Code, section 2701(a), which makes it a crime to conceal, remove, mutilate, obliterate, or destroy any record filed in any public office, or to attempt to do any of the foregoing.

(d) If an applicant does not want to inspect a record by personal visit, he may request that a copy thereof be mailed to him, upon payment of the copying and postage fees set forth in § 60.9. Original copies of records shall not be sent to any location other than the reference facility for public inspection pursuant to 5 U.S.C. 552(a)(3).

(e) Copies of transcripts of hearings may be made available for inspection when not in use. When copies of such transcripts are requested, if the Bureau's contract with a nongovernmental contractor requires that copies be sold only by the contractor, the applicant shall be referred to the contractor.

(f) The Bureau in its discretion, when appropriate in the interests of its program, may make exceptions to established charges.

§ 60.11 Requests for reconsideration of nonavailability.

(a) Any person whose application to inspect a record has been rejected because the record was not to be made available for stated reason(s), may request a reconsideration of the initial denial, as set forth herein.

(b) The request for reconsideration should be made by completing the applicable section of the Form CD-244, and returning it to the reference facility within 30 days of the date of the original denial. (This date is shown on the Form CD-244.) No addition fee is required to obtain reconsideration. In submitting a request for reconsideration, the applicant should include any written arguments he desires to support his belief that the record requested should be made available. No personal appearance, oral argument, or hearing shall be permitted.

(c) The decision upon such review shall be made by the Director, Bureau of the Census, and shall be based upon the original application, the denial, and any written argument submitted by the applicant.

(d) The decision upon review shall be promptly made in writing and communicated to the applicant. If the decision is wholly or partly in favor of the applicant, the requested record to such extent shall be made available for inspection, as described in §§ 60.9 and 60.10. To the extent that the decision is adverse to the request, the reasons for the denial shall be stated.

(e) A decision upon review completed as provided by this section shall constitute the final decision and action of the Bureau as to the availability of a requested record, except as may be required by court proceedings initiated pursuant to 5 U.S.C. 552(a)(3).

(f) Reconsiderations resulting in final decisions as prescribed herein shall be indexed and kept available for public reference in the facility.

§ 60.12 Subpoena or other compulsory process.

Procedures applicable in the event of a subpoena, order, or other compulsory process or demand of a court or other authority are set forth in section 7 of Department Order 64.

Notice and public procedure are not necessary for the promulgation of this part since the rules contained herein are procedural rather than substantive in nature and relate to agency management.

This part shall become effective upon the date of publication in the FEDERAL REGISTER.

Dated: July 7, 1967.

ROBERT F. DRURY,
Acting Director,
Bureau of the Census.

[F.R. Doc. 67-8502; Filed, July 21, 1967; 8:48 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Creamed Cottage Cheese; Confirmation of Effective Date

In the matter of amending the standard of identity for creamed cottage cheese (21 CFR 19.530) by listing diacetyl, starter distillate, and other safe and suitable flavoring substances that enhance the characteristic flavor and aroma of the food as optional ingredients of the creaming mixture; and by listing cottage cheese whey and sodium citrate to provide another citrated medium in which to culture flavor- and aroma-producing bacteria for addition to the creaming mixture:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (21 CFR 2.120), notice is given that no objections were filed to the order in the above-identified matter published in the FEDERAL REGISTER of May 16, 1967 (32 F.R. 7263). Accordingly, the amendments promulgated by that order became effective July 15, 1967.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: July 17, 1967.

J. K. KIRK,
Associate Commissioner
for Compliance.

[F.R. Doc. 67-8489; Filed, July 21, 1967; 8:45 a.m.]

SUBCHAPTER C—DRUGS

PART 141—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Diluting Fluid for Sterility Tests

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and delegated by him to the Commissioner of Food and Drugs (21 CFR 2.120), Parts 141 and 141a of the antibiotic drug regulations are amended as follows to provide for an additonal diluting fluid for use in certain sterility tests:

1. Section 141.2(c) is amended by adding thereto a new subparagraph, as follows:

§ 141.2 Sterility test methods and procedures.

* * * * *

(c) * * *

(4) *Diluting fluid D.* To each liter of diluting fluid A add 1 milliliter of octylphenoxypolyethoxethanol. Dispense in flasks and sterilize as described in paragraph (b) of this section. Final pH=7.1+0.1.

* * * * *

2. Section 141a.26(b) is revised to read as follows:

§ 141a.26 Procaine penicillin.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) or (2) of that section, except if using the method in paragraph (e) (1) of that section, add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. If the product contains lecithin, use diluting fluid D in lieu of A. If using the method described in paragraph (e) (2) of that section, use medium B in lieu of medium A.

* * * * *

3. Section 141a.29(b) is revised to read as follows:

§ 141a.29 Procaine penicillin for aqueous injection.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except add sufficient penicillinase to diluting fluid A and swirl the flask to completely solubilize the procaine penicillin before filtration. If the product contains lecithin, use diluting fluid D in lieu of diluting fluid A. If the preparation contains homogenizers or suspending agents that prevent solubilization, proceed as directed in paragraph (e) (2) of that section, except use medium B in lieu of medium A.

* * * * *

4. Section 141a.39(b) is revised to read as follows:

§ 141a.39 Penicillin-streptomycin; penicillin-dihydrostreptomycin veterinary.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except if the product contains procaine penicillin add sufficient penicillinase to the diluting fluid to solubilize the procaine penicillin. Use diluting fluid A; if the product contains lecithin, use diluting fluid D instead. Swirl the flask to completely solubilize the procaine penicillin before filtration. If the preparation contains 1-ephenamine penicillin, or agents that prevent solubilization, proceed as directed in § 141.2(e) (2) of this chapter, using medium B in lieu of medium A.

* * * * *

5. Section 141a.46(b) is revised to read as follows:

§ 141a.46 Procaine penicillin in streptomycin sulfate solution; procaine penicillin in dihydrostreptomycin sulfate solution veterinary.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except add sufficient penicillinase to the diluting fluid to solubilize the procaine penicillin. Use diluting fluid A; if the product contains lecithin, use diluting fluid D instead. Swirl the flask to completely solubilize the procaine penicillin before filtration. If the preparation contains agents that prevent solubilization, proceed as directed in paragraph (e) (2) of that section, using medium B in lieu of medium A.

* * * * *

6. Section 141a.51(b) is revised to read as follows:

§ 141a.51 Diethylaminoethyl ester penicillin G hydriodide.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except add sufficient penicillinase either to diluting fluid A or, if the product contains lecithin, to diluting fluid D, and swirl the flask to completely solubilize the preparation.

* * * * *

7. Section 141a.52(b) is revised to read as follows:

§ 141a.52 Diethylaminoethyl ester penicillin G hydriodide for aqueous injection.

* * * * *

(b) *Sterility.* Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e) (1) of that section, except add sufficient penicillinase either to diluting fluid A or, if the product contains lecithin, to diluting fluid D, and swirl the flask to completely solubilize the preparation.

* * * * *

This order, which merely provides for use of an additional diluting fluid in certain sterility tests, presents no points of controversy and is nonrestrictive in nature; therefore, notice and public procedure are not prerequisites to this promulgation.

Effective date. This order shall become effective 30 days from its date of publication in the FEDERAL REGISTER.

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: July 17, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-8490; Filed, July 21, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 536—CLAIMS AGAINST THE UNITED STATES

Claims Arising From Activities of Military or Civilian Personnel or Incident to Noncombat Activities

Section 536.12 is revised; new § 536.12a is added; §§ 536.13, 536.15, 536.18, 536.19, 536.21, and 536.22 are revised; new § 536.22a is added; and §§ 536.23, 536.24, 536.24a, and 536.24b are revised, as follows:

§ 536.12 Statutory authority.

The statutory authority for §§ 536.12–536.24b is contained in the act of August 10, 1956 (70A Stat. 153, 10 U.S.C. 2733) commonly referred to as the Military Claims Act, and the act of September 8, 1961 (75 Stat. 488, 10 U.S.C. 2736).

§ 536.12a Definitions.

The definitions of terms set forth in § 536.3 are applicable to §§ 536.12—536.24b.

§ 536.13 Scope.

The regulations in §§ 536.12—536.24b are applicable in all places and prescribe the substantive bases and special procedural requirements for the settlement of claims against the United States for death, personal injury, or damage to or loss or destruction of property caused by military personnel of civilian employees of the Department of the Army acting within the scope of their employment, or otherwise incident to the noncombat activities of the Department of the Army.

§ 536.15 Claims not payable.

A claim is not allowable under §§ 536.12—536.24b which—

(a) Results directly or indirectly from action by the enemy, or by U.S. Armed Forces engaged in armed conflict, or in immediate preparation for impending armed conflict;

(b) Results wholly or partly from the negligent or wrongful act of the claimant or his agent. The doctrine of comparative negligence is not applied;

(c) Is for personal injury or death of a member of the Armed Forces of the United States or a civilian employee incurred incident to his service;

(d) Falls under the Federal Employees' Compensation Act (5 U.S.C. 8101–8150), or the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1424, 33 U.S.C. 901) as made applicable to certain civilian employees of nonappropriated fund instrumentalities of the U.S. Armed Forces (5 U.S.C. 8171–8173).

(e) Arises in a foreign country and was presented by the claimant to the authorities of a foreign country and final action taken thereon under Article VIII of the NATO Status of Forces Agreement, Article XVIII of the Japanese Administrative Agreement, or other similar treaty or agreement;

(f) Is purely contractual in nature;
(g) Arises from private as distinguished from Government transactions;
(h) Is based solely on compassionate grounds;
(i) Is for patent or copyright infringement;
(j) Is for war trophies, and articles intended directly or indirectly for persons other than the claimant or members of his immediate family, such as articles acquired to be disposed of as gifts or by sale or other commercial transaction to another, voluntarily bailed to agencies of the Department of the Army. The preceding sentence is not applicable to claims involving registered or insured mail. No allowance will be made for any item when the evidence indicates that the acquisition, possession, or transportation thereof was in violation of Department of the Army or command directives;
(k) Is for precious jewels and other articles of extraordinary value, voluntarily bailed to agencies of the Department of the Army. This paragraph is not applicable to claims involving registered or insured mail;
(l) Arise from the operations of a nonappropriate fund activity, unless generated by military personnel performing assigned military duties. (See sec. III, AR 27-20 and AR 230-8.)
(m) Is based upon an act or omission of military personnel or a civilian employee, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation is valid, or in the exercise or performance of, or the failure to exercise or perform, a discretionary function or duty, whether or not the discretion is abused;
(n) Is cognizable under the Suits in Admiralty Act (41 Stat. 525–528, 46 U.S.C. 741–752), or the Public Vessels Act (43 Stat. 1112, 1113, 46 U.S.C. 781–790);
(o) Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;
(p) Is for rent, damage, or other payments involving the acquisition, use, possession, or disposition of real property or interests therein by and for the Department of the Army, except as authorized by § 536.14(c)(1). Real estate claims founded upon contract are processed under the provisions of § 552.16 of this chapter.
(q) Is for taking of private property by trespass as by a taking implied under local law resulting from the flight of aircraft (see § 552.16(b)(3) of this chapter). Actual physical damage is required. Claims for technical trespass, overflight of aircraft, or a taking of a type contemplated by the Fifth Amendment to the U.S. Constitution are not payable under §§ 536.12—536.24b;
(r) Is for damages caused by the fiscal operations of the Department of the Treasury or by the regulation of the monetary system;
(s) Is for damages caused by the imposition or establishment of a quarantine by the United States;
(t) Is not in the best interests of the United States, is contrary to public policy, or otherwise contrary to basic intent of the governing statute (10 U.S.C. 2733); e.g., claims by inhabitants of unfriendly foreign countries or by individuals considered to be unfriendly to the United States. When a claim is considered to be not payable for the reasons stated in this paragraph, it will be forwarded for appropriate action to the Chief, U.S. Army Claims Service together with the recommendations of the settlement authority.
(u) Is for damage caused from or by floods or flood waters. See the act of 15 May 1928 (45 Stat. 535, 33 U.S.C. 702c).

§ 536.18 When claim must be presented.

(a) A claim may be settled under §§ 536.12—536.24b only if presented in writing within 2 years after it accrues, except that if it accrues in time of war or armed conflict, or if war or armed conflict intervenes within 2 years after it accrues, and if good cause is shown, the claim may be presented within 2 years after that cause ceases to exist but not later than 2 years after the war or armed conflict is terminated.
(b) As used in this section, a war or armed conflict is one in which an Armed Force of the United States is engaged. The dates of commencement and termination of an armed conflict shall be as established by concurrent resolution of Congress or by determination of the President.

§ 536.19 Procedures.

So far as not inconsistent with §§ 536.12—536.24b, the procedures set forth in §§ 536.1—536.11c will be followed as to a claim under §§ 536.12—536.24b.

§ 536.21 Law applicable.

(a) As to claims arising in the United States, its Territories, Commonwealths and possessions, the law of the place where the act or omission occured will be applied in determining liability, except as it applies to absolute liability and except as provided in § 536.15(b).
(b) In claims arising in a foreign country, liability normally will be determined in accordance with general principles of American law as stated in standard legal publications, except as it applies to absolute liability and except as provided in § 536.15(b). Where applicable, rules of the road and similar locally prescribed standards of care will be followed in determining fault.
(c) In determining quantum and elements of damages, §§ 536.7 and 536.8 will be applied. Where there is no applicable rule established in §§ 536.1—536.11c, the law of the place where the act or omission occurred normally will be applied, except that in claims arising in foreign countries, the law of the state of legal residence of the person whose injury, property damage or death generated the claim may be applied.

§ 536.22 Claimants excluded.

A national, or a corporation controlled by a national, of a country at war or engaged in armed conflict with the United States, or of any country allied with such enemy country, is excluded as a claimant, unless the settlement authority of the command exercising claims supervisory authority of the area determines that the claimant is and, at the time of the incident, was friendly to the United States. A prisoner of war or an interned enemy alien is not excluded as to a claim for damage to or loss or destruction of personal property in the custody of the Government otherwise payable under §§ 536.12—536.24b.

§ 536.22a Settlement agreement.

If a claim is determined to be meritorious in amount less than claimed, or if a claim involving personal injuries or death is approved in full, a settlement agreement will be obtained prior to payment. A settlement agreement may be required in other instances when, in the opinion of the adjudicating authority, good legal practice so dictates, e.g., where family, or other multiple interests may be involved. Acceptance by a claimant of an award constitutes a release of any claims against the United States and against the military or civilian personnel whose act or omission gave rise to the claim.

§ 536.23 Delegation of authority.

(a) *Settlement Authority.* (1) Subject to appeal to the Secretary of the Army, The Judge Advocate General and The Assistant Judge Advocate General are delegated authority under §§ 536.12—536.24b to pay up to $5,000 in settlement of claims, and to disapprove claims regardless of the amount claimed.
(2) Subject to appeal to the Secretary of the Army and such limitations as may be imposed by The Judge Advocate General, the Chief, U.S. Army Claims Service, and all officers of The Judge Advocate General's Corps assigned to the U.S. Army Claims Service, subject to such limitations as may be imposed by the Chief of that Service, are delegated authority under §§ 536.12—536.24b to pay up to $1,000 in settlement of claims, and to disapprove claims regardless of the amount claimed.
(3) Subject to appeal to the Secretary of the Army and such limitations as may be imposed by The Judge Advocate General, the commander, or the staff judge advocate, of each of the following commands is delegated authority to—
(i) Approve and pay in full or in part, or disapprove, claims presented for $1,000 or less.
(ii) Pay claims regardless of the amount claimed provided an award of $1,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.
(a) Each of the numbered Armies within the continental United States;
(b) Military District of Washington, U.S. Army;
(c) U.S. Army Forces Southern Command;
(d) U.S. Army, Alaska;
(e) U.S. Army, Pacific;
(f) U.S. Army, Europe.
(4) The Judge Advocate General may delegate claims approving or settlement

authority to other commands where the need for such authority can be demonstrated. Requests for delegation of authority will be forwarded to The Judge Advocate General, Attention: Chief, U.S. Army Claims Service, Fort Holabird, Md. 21219, through command channels, with justification and recommendations.

(b) *Approving authority.* (1) Each of the following is delegated authority to—

(i) Approve and pay in full claims presented for $1,000 or less.

(ii) Pay claims regardless of the amount claimed provided an award of $1,000 or less is accepted by claimant in full satisfaction and final settlement of the claim.

(*a*) The commander, or the staff judge advocate, of any command authorized to exercise general courts-martial jurisdiction.

(*b*) An officer of The Judge Advocate General's Corps assigned to a maneuver claims service or a disaster claims office when designated by the commander of a command listed in § 536.4a, and subject to such limitation as the designating commander may prescribe.

(*c*) Officers of The Judge Advocate General's Corps assigned to the U.S. Claims Office, France, subject to such limitations as the Commanding Officer, U.S. Claims Office, France, may prescribe.

(*d*) Officers of The Judge Advocate General's Corps assigned to the U.S. Army Claims Office, Germany, subject to such limitations as the Commanding Officer, U.S. Army Claims Office, Germany, may prescribe.

(*e*) Officers of The Judge Advocate General's Corps assigned to the U.S. Armed Forces Claims Service, Korea, subject to such limitations as the Chief, U.S. Armed Forces Claims Service, Korea, may prescribe.

(*f*) The chief of a command claims service established pursuant to § 536.4b.

(*g*) A district or division engineer, Corps of Engineers, or the Chief of Engineers.

(2) The commanding officer of a command not authorized to exercise general courts-martial jurisdiction, but having a judge advocate assigned to his staff, or his judge advocate, is delegated authority to—

(i) Approve and pay in full claims presented for $500, or less.

(ii) Pay claims regardless of the amount claimed, provided an award of $500, or less, is accepted by claimant in full satisfaction and final settlement of the claim.

§ 536.24 Claims over $5,000.

Claims cognizable under title 10, United States Code, section 2733 and §§ 536.12–536.24b which are meritorious in amounts in excess of $5,000 will be processed for action by the Secretary of the Army. If the Secretary of the Army considers such a claim meritorious, he may, after receipt of a settlement agreement in full satisfaction of the entire claim, pay the claimant $5,000 and report the excess to Congress for its consideration.

§ 536.24a Settlement procedures.

(a) *Action by an approving authority.* If an approving authority determines that a claim is not meritorious, or if a partial approval is rejected by a claimant, the claim and related file will be forwarded with a seven-paragraph memorandum of opinion through claims channels to the settlement authority of the command having claims supervisory responsibility for the area (§ 536.4a).

(b) *Action by a settlement authority.* (1) The disapproval of a claim, in whole or in part, is final unless the claimant appeals in writing to the Secretary of the Army. Upon disapproval of a claim, in whole or in part, the settlement authority will notify the claimant in writing of the action taken and reasons therefor. The letter of notification will inform the claimant that—

(i) He may appeal to the Secretary of the Army through the authority disapproving the claim.

(ii) No form for appeal is prescribed.

(iii) The ground for appeal should be set forth fully.

(iv) The appeal must be submitted within 30 days of receipt by the claimant of notice of action on his claim.

An appeal will be considered timely if postmarked within 30 days after receipt by the claimant of such notification. For good cause shown, the Chief, U.S. Army Claims Service may extend the time for appeal.

(2) *Action on appeal.* Upon receipt, the appeal will be examined by the settlement authority and after any action deemed necessary it will be forwarded with the related file and a seven-paragraph memorandum of opinion to the Chief, U.S. Army Claims Service, Fort Holabird, Maryland 21219. If the evidence in the file, including information submitted by the claimant with the appeal, indicates that the appeal should be sustained, it may be treated as a request for reconsideration under § 536.24b, and the processing of the appeal may be delayed pending the outcome of further efforts by the settlement authority to settle the claim. The Chief, U.S. Army Claims Service may take similar action in appropriate cases.

§ 536.24b Reconsideration.

(a) An approving or settlement authority may reconsider a claim upon request of the claimant or someone acting in his behalf. In the absence of such a request, an approving or settlement authority may on his own initiative reconsider a claim. He may reconsider a claim which he previously disapproved in whole or in part (even though a settlement agreement has been executed) when it appears that his original action was incorrect in law or fact based on the evidence of record at the time of the action or subsequently received. If he determines that his original action was incorrect, he will modify the action and, if appropriate, make a supplemental payment. The basis for a change in action will be stated in a memorandum included in the file.

(b) A successor or supervisory approving or settlement authority may also reconsider the original action on a claim but only on the basis of fraud or collusion, new and material evidence, or manifest error of fact such as errors in calculation or factual misinterpretation of applicable law.

(c) A request for reconsideration should indicate fully the legal or factual basis asserted as grounds for relief. Following completion of any investigation or other action deemed necessary for an informed disposition of the request, the approving or settlement authority will reconsider the claim and attempt to settle it by granting such relief as may appear warranted. When further settlement efforts appear unwarranted, the entire file with a memorandum of opinion will be forwarded through claims channels, as outlined in § 536.10(d). If a claims supervisory authority (§ 536.4a) is unable to grant the relief requested, he will forward the claim with his recommendation to the Chief, U.S. Army Claims Service, Office of The Judge Advocate General, Fort Holabird, Md. 21219, and inform the claimant of such reference.

[AR 27-21, June 28, 1967] (Secs. 2012, 2733, 70A Stat. 157, 153; 10 U.S.C. 2012, 2733)

KENNETH G. WICKHAM,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 67-8488; Filed, July 21, 1967; 8:45 a.m.]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter XIX—Office of the Maritime Administrator, Department of Commerce

[General Emergency Transportation Order 1-67]

MA–ET–1—PRIORITY MOVEMENT TO BE ACCORDED TO MATERIALS AND PASSENGERS NECESSARY TO PROMOTE THE NATIONAL DEFENSE

Cancellation of Order

Whereas, in F.R. Doc. 67-8417 appearing in the FEDERAL REGISTER issue of July 19, 1967 (32 F.R. 10563), it was ordered that certain priorities be given to transportation by water carriers operating vessels in the coastwise and intercoastal trades, excluding the domestic offshore and inland waterways, in the interest of national defense; and

Whereas, the resumption of rail service makes it unnecessary to continue the provisions of "General Emergency Transportation Order 1–67," issued pursuant to Executive Order 11362 (July 16, 1967) under authorities set forth in the order appearing as aforesaid, it is hereby ordered that MA–ET–1 of this title and chapter of the Code of Federal Regula-

tions be and is hereby terminated effective as of the date hereof.

Dated: July 20, 1967.

CARL C. DAVIS,
Acting Maritime Administrator.

[F.R. Doc. 67-8616; Filed, July 21, 1967; 9:26 a.m.]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER D—GRANTS

PART 51—GRANTS TO STATES FOR COMPREHENSIVE HEALTH PLANNING AND PUBLIC HEALTH SERVICES

Notice of proposed rule making, public rule making procedures, and delay in effective date have been omitted as unnecessary in the issuance of the following revision of this part which relates solely to grants to States for comprehensive health planning. The purpose of this revision is to implement section 314(a) of the Public Health Service Act, as amended by P.L. 89-749 (42 U.S.C. 246(a), 80 Stat. 1180).

Pursuant to section 314(g)(1) of the Act, as amended (42 U.S.C. 246(g)(1); 80 Stat. 1189), this revision is made after consultation with a joint conference of State health planning agencies designated or established as required by the Act.

These revised regulations shall become effective upon publication in the FEDERAL REGISTER.

Part 51 of Chapter I of Title 42 of the Code of Federal Regulations is revised to read as follows:

Subpart A—Grants to States for Comprehensive Health Planning

AUTHORITY: The provisions of this Part 51 issued under secs. 215, 314 of the Public Health Service Act; 58 Stat. 690, 80 Stat. 1180; 42 U.S.C. 216, 246.

Subpart A—Grants to States for Comprehensive Health Planning

§ 51.1 Applicability.

The regulations of this subpart apply to grants to assist the States, including the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, in comprehensive and continuing planning for their current and future health needs in terms of health services, health manpower and health facilities, as authorized pursuant to section 314(a) of the Public Health Service Act, as amended by P.L. 89-749 (42 U.S.C. 246(a)), hereinafter referred to as the "Act."

§ 51.2 Definitions.

(a) "State program" refers to the State plan for comprehensive health planning which contains the information, proposals, and assurances submitted by the State agency pursuant to section 314(a) of the Act and the regulations of this subpart.

(b) "State agency" means the single State agency (which may be an interdepartmental agency) designated in the State program for administering or supervising the administration of the State's health planning functions under the State program.

§ 51.3 Submission of State programs.

In order to receive funds from an allotment under this subpart, a State must submit to and have approved by the Surgeon General a State program which contains the information and meets the requirements specified in the Act and in the regulations of this subpart. Such program shall be submitted by the State agency officially designated and authorized to administer it and carry out the functions prescribed hereunder. The effective date for Federal financial participation in the costs of carrying out such a program from any State shall be that date, after the enactment of the first Federal appropriation act containing grant funds for the purposes authorized hereunder, on which the first State program submitted by the State is approved by the Surgeon General.

§ 51.4 State program requirements.

(a) *Responsibility of State agency.* The State program must provide that the State agency will either administer or supervise the administration of the activities to be carried out under it. In order to assure adequate supervision by the State agency of the administration of activities under the State program carried out by other agencies, institutions, organizations, or individuals, the State program must show with respect to any such activity that the State agency (1) is able to obtain from such other agency, institution, organization, or individual the data needed for formulation and evaluation of, and accountability for, planning activities; (2) has established methods for performing continuing professional and administrative evaluations of such activities; and (3) is in a position to take such steps as may be necessary to assure that such activities meet Federal and State requirements.

(b) *State health planning council.* The State program must provide for the establishment of a State health planning council to advise the State agency in carrying out its functions under the approved State program. Council membership shall include representatives of State agencies (other than the designated State agency) and local agencies and of nongovernmental groups concerned with health services in the State. A majority of the council members must be consumer representatives whose major occupation is neither the administration of health activities nor the performance of health services. The council shall meet as often as necessary and at a minimum twice a year for the purposes of consulting with and advising the State agency with respect to:

(1) Scope of planning activities to be undertaken by the State agency;

(2) The recommendations to be made by the State agency as a result of such activities; and

(3) Necessary review and modifications of the State program.

(c) *Expenditure of grant funds.* The State program must set forth policies and procedures for the expenditure of funds under the program, which shall provide that:

(1) The scope of comprehensive planning will encompass the health services, facilities, and manpower to meet the physical, mental, and environmental health needs of the people of the State, and the financial and organizational resources through which these needs may be met;

(2) Such planning will be concerned with both publicly and privately supported health services and activities;

(3) A method for determining priorities of planning activity will be established to ensure that the most critical planning problems are scheduled for early attention;

(4) Methods will be established for obtaining and utilizing, in the formulation of planning priorities and recommendations, effective and appropriate informational support, including statistical data and, where feasible, social, economic, demographic, and similar base data consistent with those to be utilized for other comprehensive planning activities in the State;

(5) To administer or supervise the administration of the planning functions under the State program and to provide staff assistance to the State health planning council, the State agency will establish positions, including the full time position of comprehensive health planning director, to be filled by persons with appropriate qualifications;

(6) The State agency will cooperate with and assist in the development of needed regional, metropolitan area and other local area health planning agencies and be prepared to act upon, and to make recommendations to the Surgeon General with respect to, grant applications under section 314(b) of the Act.

(d) *Encouraging cooperative efforts.* The State program must provide for encouraging cooperative efforts among governmental and nongovernmental agencies, organizations, and groups concerned with health and related services, facilities, and manpower. As a minimum, it must provide methods for:

(1) Coordinating the State agency's planning activities with specialized health planning and other related planning activities, such as the development of mental retardation plans, construction plans for health and medical facilities, community mental health plans,

regional medical programs, and environmental control plans, and with State agencies concerned with physical and economic planning;

(2) Considering the most effective and efficient manner of meeting health needs in the fields of welfare, education and vocational rehabilitation; and

(3) Considering the special needs of high-risk population groups for preventive and health care services.

(e) *Federal funds to supplement State funds otherwise available.* The State program must contain satisfactory assurances that Federal funds will not supplant funds that would otherwise be made available by the State for the purpose of comprehensive health planning and that Federal funds will, to the extent practicable, be used to increase the level of non-Federal funds available for such purpose. Substantial compliance with such assurance will be deemed to have been met if the level of non-Federal funds made available to and spent by the State for comprehensive health planning is at least no lower for any fiscal year than it was in the immediately preceding fiscal year, except that the Surgeon General may also take into consideration the extent to which the level of such funds for any fiscal year may have included funds for an activity of a nonrecurring nature.

(f) *Methods of administration.* In addition to any methods of administration otherwise required by the Act and these regulations, the State program must provide:

(1) For the establishment and maintenance of personnel standards on a merit basis for persons employed by the comprehensive State health planning agency in carrying out the State program. Compliance with the Standards for a Merit System of Personnel Administration, 45 CFR, Part 70, issued by the Secretary of Health, Education, and Welfare, the Secretary of Labor, and the Secretary of Defense, including any subsequent amendments thereto, will be deemed to meet this requirement;

(2) Methods for informing interested public and private agencies and organizations and the general public about the agency's activities and recommendations;

(3) That no more than 50 percent of the funds available to the State agency under the State program shall be used for contracting with other agencies and organizations to conduct planning functions under the State program without specific approval from the Surgeon General;

(4) Methods by which criteria will be developed for reviewing applications for areawide health planning project grants under section 314(b) of the Act.

(g) *Reports and records.* The State program must provide, in addition to any other reports or records required by the regulations of this subpart, or which may reasonably be required by the Surgeon General under the Act, that:

(1) The Surgeon General shall be provided copies of each recommendation, plan or portion of a plan adopted by the State agency;

(2) An annual narrative summary of the planning activities undertaken during the preceding year will be submitted to the Surgeon General;

(3) Cumulative expenditure reports on forms prescribed by the Public Health Service will be submitted within 30 days after the end of the first half of any Federal fiscal year and within 60 days after the close of the Federal fiscal year;

(4) All records required by the Act and the regulations of this subpart shall be maintained for a period of 5 years, or until audits by representatives of the Department of Health, Education, and Welfare have been completed and any questions arising from the audits have been resolved, whichever is sooner; and

(5) The State agency will afford access to the records maintained by it to the Comptroller General of the United States and the Secretary of Health, Education, and Welfare, or their authorized representatives, for purposes of audit and examination.

(h) *Review and modification.* The State program must provide that the State agency will review and evaluate its approved program at least once annually and submit appropriate modifications to the Surgeon General. As a minimum, the State agency shall submit annual modifications of the State program which will (1) reflect budgetary and expenditure requirements for the next fiscal year, (2) set forth priorities established for planning activity to be undertaken in the next fiscal year, and (3) update any assurances or other informational requirements included in the State program.

(i) *Accounting procedures.* The State program shall contain such fiscal control and fund accounting procedures as are necessary to assure the proper disbursement of and accounting for funds paid to the State under this subpart. Such procedures shall provide for an accurate and timely recording of receipts of funds from State and Federal sources, of expenditures made from such funds for comprehensive health planning purposes under the State program, and of any unearned balances of Federal funds paid to the State. Controls shall be established by the State agency to ensure that expenditures charged to comprehensive State health planning funds are for allowable purposes and that documentation is readily available to verify the accuracy of such charges.

§ 51.5 State allotments.

(a) *Determination.* The allotment of funds for any year to each State shall be the product of—

(1) The percentage which the State's weighted population bears to the total of the weighted populations of all States, multiplied by

(2) The amount of appropriated funds available for allotment for the fiscal year; except that the allotment for any State which, as a result of such computation, is less than one percent of the amount available for allotment shall be increased to one percent of such amount and the allotments to other States shall be proportionately reduced as necessary but not below an amount equal to 1 percent.

For the purposes of this section, the term "weighted population" means (i) the population of the State (as determined from the latest available estimate from the Department of Commerce) multiplied by (ii) the per capita income of the United States divided by the per capita income of the State (as determined from the latest available estimates from the Department of Commerce).

(b) *Availability.* The funds allotted to any State for a fiscal year shall remain available to the State for obligation in accordance with its approved State program during the fiscal year for which the allotment was made and the succeeding fiscal year. If the Surgeon General, after consultation with the head of any State agency, or the Governor of the State if such an agency has not been designated, determines that a State will not utilize all of its allotment during the period for which it is available, such balances shall be available for reallotment to other States in accordance with the provisions of subsection 314(a)(3)(B) of the Act. The Surgeon General shall make a determination as to the balances of funds available for reallotment as of the end of each 6-month period during which such allotments are available for expenditures by the States and shall reallot such balances as soon as possible after such a determination is made.

§ 51.6 Payments to States.

Each State for which a State program has been approved shall from time to time be paid from its allotment for the fiscal year amounts which equal the Federal share, as determined pursuant to section 314(a)(4) of the Act, of expenditures incurred during the period for which such allotment is available. For the first 2 fiscal years (1967–68), the "Federal share" for any State shall be all or such part of the expenditures for comprehensive State health planning made by or under the supervision of the State health planning agency as the Surgeon General may determine at the time of approval of the State program. Such payments will be made where practicable through a letter of credit system or, when such a system is not practicable, on the basis of payment requests from the State to meet its current needs. The Surgeon General shall make such adjustments in amounts of payments as may be necessary to correct under or over payments previously made (including expenditures which are disallowed on the basis of audit findings).

§ 51.7 Equipment, supplies or personnel in lieu of cash.

At the request of and for the convenience of the designated State agency, the Surgeon General may, in lieu of cash payments, furnish to the State agency equipment or supplies or detail to the State agency officers or employees of the Public Health Service when he finds such equipment, supplies, or personnel would be used in carrying out the approved

State program. In such case, the Surgeon General shall reduce the payments to which the State agency would otherwise be entitled from its allotment for the fiscal year by an amount which equals the fair market value of the equipment or supplies furnished, and by the amount of the pay, allowances, traveling expenses, and other costs in connection with such detail of officers or employees. For purposes of determining the amount of the expenditures for any fiscal year made in carrying out the approved State program and the Federal share of such expenditures, the costs incurred by the Surgeon General in furnishing such equipment or supplies and in detailing such personnel to the State agency during the fiscal year shall be considered as expenditures made by and funds paid to the State.

§ 51.8 Nondiscrimination on account of race, color, or national origin.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; P.L. 88-352) which provides that no person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance (Sec. 601). A regulation implementing such Title VI has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). Such regulation is applicable to comprehensive State health planning activities which receive Federal financial assistance and requires receipt and acceptance by the Surgeon General of the applicable documentation set forth therein.

Dated: June 29, 1967.

[SEAL] EUGENE H. GUTHRIE,
Acting Surgeon General.

Approved: July 14, 1967.

WILBUR J. COHEN,
Acting Secretary.

[F.R. Doc. 67-8491; Filed, July 21, 1967; 8:45 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 14419; FCC 67-767]

PART 73—RADIO BROADCAST SERVICES

Hours of Operation

Correction

In F.R. Doc. 67-8181, appearing at page 10437 of the issue for Saturday, July 15, 1967, the following matter should appear after paragraph (h) of § 73.99, and preceding Figure 12:

(i) In the event of permanent discontinuance of pre-sunrise operation, the PSA shall be forwarded to the Commission's Washington office for cancellation, and the Engineer-in-Charge of the radio district in which the station is located shall be notified accordingly.

3. Section 73.190 is amended by the addition of Figure 12 and by amending the text to read as follows:

§ 73.190 Engineering charts.

This section consists of the following figures: 1, 1a, 2, R3, 5, 6, 6a, 7, 8, 9, 10, 11, and 12.

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission and Department of Transportation

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 37]

PART 107a—ADMINISTRATIVE COLLECTION OF ENFORCEMENT CLAIMS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of July 1967.

The "Federal Claims Collection Act of 1966" (31 U.S.C. 951 et seq.), and the civil penalty and forfeiture provisions of the Interstate Commerce Act, Elkins Act and amendatory and supplemental legislation related to such acts being under consideration, with a view to (1) delegating administrative collection authority to a designee, and (2) promulgating administrative collection procedures pertaining to enforcement claims for money arising out of activities of this Commission or otherwise referred to this Commission:

Part 107a, which is set out below, shall be the administrative collection procedures pertaining to this Commission's enforcement claims.

It is ordered, That a new Part 107a be added to Chapter I, Subtitle B, of Title 49 of the Code of Federal Regulations to read as follows:

Sec.
107a.1 Standards.
107a.2 Enforcement claims and debtors.
107a.3 Enforcement collection designee.
107a.4 Notice of claim and demand.
107a.5 Agreement and release.
107a.6 Method of claim payment.

AUTHORITY: The provisions of this Part 107a issued under sec. 3, 80 Stat. 309; 31 U.S.C. 952.

§ 107a.1 Standards.

The regulations issued jointly by the Comptroller General of the United States and the Attorney General of the United States under section 3 of the Federal Claims Collection Act of 1966 (31 U.S.C. 951 et seq.) and published in 4 CFR Parts 101 through 105 are hereby adopted by the Interstate Commerce Commission for the administrative collection of enforcement claims.

§ 107a.2 Enforcement claims and debtors.

(a) Enforcement claims are all separate civil penalty or forfeiture claims not exceeding $20,000 which may arise under the provisions of the Interstate Commerce Act or legislation supplementary thereto.

(b) Debtor is any person or corporation subject to civil penalties or forfeitures for violation of the provisions of the Interstate Commerce Act or legislation supplementary thereto.

§ 107a.3 Enforcement collection designee.

The Director, Bureau of Enforcement, Interstate Commerce Commission, is the Commission's designee to take all necessary action administratively to settle by collection, compromise, suspension or termination, enforcement claims within the contemplation of the Federal Claims Collection Act of 1966.

§ 107a.4 Notice of claim and demand.

Initiation of administrative collection of enforcement claims will be commenced by the enforcement collection designee mailing a letter of notice of claim and demand to the debtor. Such letter will state the statutory basis for the claim, a brief resume of the factual basis for the claim, the amount of the claim, and indicate the availability of the designee or his personal agent for discussion of the claim should the debtor so desire.

§ 107a.5 Agreement and release.

Upon the debtor's agreement to settle a claim, an Agreement and Release Form will be provided to the debtor in duplicate. This form, after reciting the statutory basis for the claim, will contain a statement to be signed in duplicate by the debtor evidencing his agreement to settlement of the claim for the amount stated in the agreement. Both copies of the signed agreement shall be returned to the collection designee. Upon final collection of the claim, one copy of the agreement and release shall be returned to the debtor with the release thereon signed by the enforcement collection designee.

§ 107a.6 Method of claim payment.

(a) Debtors: Debtors shall be required to settle claims by:

(1) Payment by bank cashier check or other instrument acceptable to designee.

(2) Installment payments by check after the execution of a promissory note containing an agreement for judgment.

(b) All checks or other instruments will be made out to "Interstate Commerce Commission," and after receipt will be forwarded to U.S. Treasury.

It is further ordered, That this order shall become effective August 1, 1967.

And it is further ordered, That notice to the general public be given by depositing a copy hereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with

the Director, Office of the Federal Register.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67-8505; Filed, July 21, 1967; 8:47 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 10—MIGRATORY BIRDS

Open Seasons, Bag Limits, and Possession of Certain Migratory Game Birds

Section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703), authorizes and directs the Secretary of the Interior, from time to time, having due regard for the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of flight of migratory game birds to determine when, to what extent, and by what means, such birds or any part, nest, or egg thereof, may be taken, captured, killed, possessed, sold, purchased, shipped, carried, or transported.

By notice of proposed rule making published in the FEDERAL REGISTER of April 6, 1967 (32 F.R. 5628), notification was given that the Secretary of the Interior proposed to amend Part 10, Title 50, Code of Federal Regulations. These amendments would specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for migratory game birds for the 1967–68 hunting seasons.

In this connection all interested persons were invited to submit their views, data, or arguments regarding such matters in writing to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days following the date of publication of the notice.

Subsequently, after due consideration of migratory game bird survey data obtained through investigations conducted by the Bureau of Sport Fisheries and Wildlife and State game departments, and from other sources, the several State game departments were informed concerning the shooting hours, season lengths, and daily bag and possession limits proposed to be prescribed for the 1967–68 seasons on rails, mourning and white-winged doves, band-tailed pigeons, woodcock, and common snipe (Wilson's); on waterfowl, coots, and little brown cranes in Alaska; and on teal ducks in States in the Mississippi and Central Flyways. The State game departments were invited to submit recommendations for hunting seasons to conform to the shooting hours, daily bag and possession limits, and season lengths within frameworks of opening and closing dates, as established by this Department.

Accordingly, each State game department having had an opportunity to participate in selecting the hunting seasons desired for its State on those species of migratory game birds for which open seasons are now to be prescribed, and consideration having been given to all other relevant matters presented, it is determined that certain sections of Part 10 shall be amended as set forth below.

The taking of the designated species of migratory game birds is presently prohibited. These amendments will permit taking of these species within specified periods of time beginning as early as September 1, as has been the case in past years. Since these amendments benefit the public by relieving existing restrictions, they shall become effective upon publication in the FEDERAL REGISTER.

1. Section 10.41 is amended to read as follows:

§ 10.41 Seasons and limits on doves and wild pigeons.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species of doves and wild pigeons designated in this section are prescribed between the dates of September 1, 1967, and January 15, 1968, as follows:

(a) *Mourning doves—Eastern Management Unit.*

Daily bag limit 12
Possession limit 24
Shooting hours: 12 o'clock noon (standard time) until sunset.
Seasons in:

Alabama [1]	Sept. 23–Nov. 11. Dec. 22–Jan. 10.
Connecticut	Closed season
Delaware	Sept. 15–Oct. 24. Dec. 15–Jan. 13.
District of Columbia	Closed season.
Florida [1]	Oct. 7–Nov. 5. Nov. 18–Dec. 3. Dec. 16–Jan. 8.
Georgia	Sept. 9–Oct. 7. Dec. 6–Jan. 15.
Illinois	Sept. 1–Nov. 9.
Indiana	Closed season.
Kentucky	Sept. 1–Oct. 31. Dec. 1–Dec. 9.
Louisiana	Sept. 2–Sept. 17. Oct. 14–Nov. 23. Dec. 19–Dec. 31.
Maine	Closed season.
Maryland	Sept. 8–Oct. 28. Dec. 19–Jan. 6.
Massachusetts	Closed season.
Michigan	Do.
Mississippi	Sept. 9–Oct. 1. Oct. 28–Nov. 19. Dec. 22–Jan. 14.
New Hampshire	Closed season.
New Jersey	Do.
New York	Do.
North Carolina	Sept. 9–Oct. 14. Dec. 11–Jan. 13.
Ohio	Closed season.
Pennsylvania	Sept. 1–Nov. 9.
Rhode Island	Sept. 11–Oct. 12. Oct. 25–Dec. 1.
South Carolina	Sept. 16–Oct. 14. Dec. 4–Jan. 13.
Tennessee	Sept. 1–Sept. 30. Oct. 14–Nov. 11. Dec. 23–Jan. 2.
Vermont	Closed season.
Virginia	Sept. 16–Nov. 4. Dec. 18–Jan. 6.
West Virginia	Sept. 2–Sept. 30. Oct. 14–Nov. 23.
Wisconsin	Closed season.

[1] Check State regulations for additional restrictions.

(b) *Mourning doves—Central Management Unit.*

Daily bag limit ..... [2] 12
Possession limit ..... [2] 24
Shooting hours: One-half hour before sunrise until sunset.[1]
Seasons in:

Arkansas	Sept. 1–Oct. 5. Dec. 18–Jan. 11.
Colorado	Sept. 1–Oct. 30.
Iowa	Closed season.
Kansas	Sept. 1–Oct. 30.
Minnesota	Closed season.
Missouri	Sept. 1–Oct. 10. Nov. 10–Nov. 29.
Montana	Closed season.
Nebraska	Do.
New Mexico [2]	Sept. 1–Oct. 1. Dec. 2–Dec. 30.
North Dakota	Closed season.
Oklahoma	Sept. 1–Oct. 30.
South Dakota	Sept. 1–Sept. 5.
Texas [1] [3]	See footnote 3.
Wyoming	Closed season.

[1] In Texas, shooting hours are from 12 o'clock noon (standard time) until sunset on all days in all counties.

[2] In New Mexico, the daily bag limit is 12 and the possession limit is 24 on mourning and white-winged doves, singly or in the aggregate of both kinds.

[3] Texas: Mourning doves in Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Williamson, Milam, Robertson, Leon, Houston, Cherokee, Nacogdoches, and Shelby Counties and all Counties north and west thereof, Sept. 1–Oct. 30; in the Counties of Cameron, Hidalgo, Starr, Zapata, Webb, Maverick, Dimmit, La Salle, Jim Hogg, Brooks, Kenedy, and Willacy, Sept. 2, 3, 9, and 10 and Sept. 23–Nov. 17; remainder of State, Sept. 23–Nov. 21.

(c) *Mourning doves—Western Management Unit.*

Daily bag limit ..... [1] 12
Possession limit ..... [1] [2] 24
Shooting hours: One-half hour before sunrise until sunset.
Seasons in:

Arizona [2]	Sept. 1–Sept. 24. Dec. 13–Jan. 7.
California [1] [2] [3]	See footnote 2.
Idaho	Sept. 1–Sept. 17.
Nevada [1]	Sept. 1–Oct. 20.
Oregon	Sept. 1–Sept. 30. Oct. 21–Nov. 9.
Utah [2]	Sept. 1–Sept. 30.
Washington	Do.

[1] In those counties of California and Nevada having an open season on white-winged doves, the daily bag limit is 12 and possession limit is 24 mourning and white-winged doves, singly or in the aggregate of both kinds.

[2] California: In the Counties of Los Angeles, Orange, San Diego, Imperial, Riverside, San Bernardino and that portion of Ventura County east of State Highway 33 and east of the City of Ventura, Sept. 2–Oct. 11; remainder of State, Sept. 1–Oct. 10.

[3] Check State regulations for additional restrictions.

(d) *White-winged doves.*

Daily bag and possession limits. See footnote 2.
Shooting hours: One-half hour before sunrise until sunset.[1]

Seasons in:
- Arizona[2] — Sept. 1–Sept. 24.
- California:[2]
  - Counties of Imperial, Riverside, and San Bernardino — Sept. 2–Oct. 11.[3]
- Nevada:[2]
  - Clark and Nye Counties — Sept. 1–Oct. 20.
  - Remainder of State — Closed season.
- New Mexico[2] — Sept. 1–Oct. 1. Dec. 2–Dec. 30.
- Texas:[1][2]
  - Counties of Brewster, Brooks, Cameron, Culberson, Dimmit, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kenedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, and Zapata — Sept. 2, 3, 9, and 10.
  - Remainder of State — Closed season.

[1] In Texas, shooting hours are from 12 o'clock noon (standard time) until sunset.

[2] In Arizona, the daily bag and possession limit is 25 white-winged doves. In California, Nevada, and New Mexico the daily bag limit is 12 and the possession limit is 24 white-winged and mourning doves, singly or in the aggregate of both kinds. In Texas, the daily bag limit is 12 and the possession limit is 24 white-winged doves.

[3] Check State regulations for additional restrictions.

(e) *Band-tailed pigeons.*

Daily bag and possession limit — 5
Shooting hours: One-half hour before sunrise until sunset.

Seasons in:
- California:
  - Counties of Butte, Del Norte, Glenn, Humboldt, Lassen, Mendocino, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, and Trinity — Sept. 30–Oct. 29.
  - Remainder of State — Dec. 16–Jan. 14.
- Oregon — Sept. 1–Sept. 30.
- Washington — Do.

2. Section 10.46 is amended to read as follows:

§ 10.46 Seasons and limits on rails, woodcock, and common snipe (Wilson's).

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1967, and January 31, 1968, as follows:

(a) *Atlantic Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	(1) (2) (3)	5	8
Possession limit	(1) (3) (4)	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Connecticut[1][5]	Sept. 1–Nov. 9.	Oct. 21–Dec. 23.	Oct. 21–Dec. 9.
Delaware[1][5]	Sept. 1–Nov. 9.	Nov. 17–Jan. 20.	Nov. 3–Dec. 22.
District of Columbia	Closed season.	Closed season.	Closed season.
Florida[2][5]	Sept. 16–Nov. 24.	Nov. 11–Jan. 14.	Nov. 11–Dec. 30.
Georgia[2][5]	Sept. 2–Nov. 10.	Nov. 28–Jan. 31.	Nov. 27–Jan. 15.
Maine[5]	Sept. 1–Nov. 9.	Sept. 25–Nov. 15.	Sept. 25–Nov. 13.
Maryland[1][5]	Sept. 1–Oct. 20.	Oct. 16–Dec. 19.	Oct. 16–Dec. 4.
Massachusetts[5]	Sept. 9–Nov. 17.	Oct. 16–Nov. 30.	Sept. 9–Oct. 28.
New Hampshire[5]	Sept. 1–Nov. 9.	Oct. 1–Nov. 30.	Oct. 1–Nov. 9.
New Jersey[1][5][6]	Sept. 2–Nov. 10.	Oct. 7–Dec. 9.	See footnote 5.
New York[1][4][5][6]	Sept. 1–Nov. 9.	Oct. 2–Dec. 5.	Oct. 2–Nov. 20.
North Carolina[2][5]	Sept. 1–Nov. 9.	Nov. 18–Jan. 20.	Nov. 18–Jan. 6.
Pennsylvania[5]	Sept. 1–Nov. 9.	Oct. 14–Dec. 16.	Oct. 2–Nov. 20.
Rhode Island[1][5]	Sept. 11–Nov. 19.	Oct. 25–Dec. 10.	Oct. 25–Dec. 10.
South Carolina[2][5]	Sept. 27–Dec. 5.	Nov. 28–Jan. 31.	Nov. 27–Jan. 15.
Vermont[5]	Sept. 1–Nov. 9.	Sept. 30–Nov. 9.	Sept. 30–Nov. 18.
Virginia[2][5]	Sept. 15–Nov. 23.	Nov. 20–Jan. 23.	Nov. 20–Jan. 8.
West Virginia[5]	Oct. 14–Dec. 22.	Oct. 14–Dec. 17.	Oct. 14–Dec. 2.

[1] In the States of Rhode Island, Connecticut, New Jersey, Delaware, New York, and Maryland the daily bag limit on king and clapper rails is 7 and the possession limit is 14 singly or in the aggregate.

[2] In the States of Georgia, Florida, South Carolina, North Carolina, and Virginia the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.

[3] In all States in this flyway the daily bag and possession limit on sora, Virginia, and yellow rails is 15 and 30 singly or in the aggregate of these species.

[4] New York: In the Long Island area (Long Island and that part of Westchester County lying south of the Hutchinson River Parkway), the season on rails is Sept. 11–Nov. 9.

[5] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 30 consecutive days, whichever is the shorter period.

[6] Check State regulations for additional restrictions.

(b) *Mississippi Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	(1) (2)	5	8.
Possession limit	(1) (2)	10	16.
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Alabama [1] [4]	Nov. 4-Jan. 12	Dec. 12-Jan. 30	Nov. 25-Jan. 13.
Arkansas [1] [3]	Sept. 1-Nov. 9	Dec. 12-Jan. 30	Nov. 27-Jan. 15.
Illinois	Closed season	Oct. 1-Dec. 4	See footnote 3.
Indiana [3]	Sept. 1-Nov. 9	Sept. 30-Dec. 3	Sept. 30-Nov. 18.
Iowa	Closed season	Closed season	Oct. 7-Nov. 25.
Kentucky [3]	Nov. 16-Jan. 15	Nov. 16-Jan. 19	Nov. 16-Jan. 4.
Louisiana [1] [3]	Nov. 4-Jan. 12	Nov. 25-Jan. 28	Nov. 25-Jan. 13.
Michigan [3] [4]	See footnote 4		See footnote 3.
Zones 1 and 2		Sept. 15-Nov. 10	
Zone 3		Oct. 20-Nov. 17	
Minnesota [3]	Sept. 2-Nov. 5	Sept. 2-Nov. 5	Sept. 16-Nov. 4.
Mississippi [1] [3]	Oct. 14-Dec. 22	Dec. 1-Jan. 31	Dec. 1-Jan. 15.
Missouri [3]	Sept. 1-Nov. 9	Oct. 1-Dec. 4	Oct. 1-Nov. 19.
Ohio [3]	Sept. 1-Nov. 9	Sept. 22-Nov. 25	Oct. 2-Nov. 20.
Tennessee [3]	See footnote 4	Nov. 20-Jan. 23	Nov. 20-Jan. 8.
Wisconsin [3]	See footnote 4	Sept. 16-Nov. 19	See footnote 5.

[1] In the States of Arkansas, Louisiana, Mississippi, and Alabama the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.
[2] In all States in this flyway the daily bag and possession limit on sora, Virginia, and yellow rails is 15 and 30 singly or in the aggregate of these species.
[3] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 50 consecutive days, whichever is the shorter period.
[4] Season will open and run concurrently with the open season for ducks in the State: *Provided*, That the open season shall not extend beyond the last day of the duck season or 70 consecutive days, whichever is the shorter period.
[5] Season will open concurrently with the open season for ducks in the State and will run for 50 consecutive days.
[6] Check State regulations for additional restrictions.

(c) *Central Flyway States.*

	Rails	Woodcock	Common snipe (Wilson's)
Daily bag limit	(1) (2)	5	8
Possession limit	(1) (2)	10	16
Shooting hours	One-half hour before sunrise until sunset on all species.		
Seasons in:			
Colorado [2] [3]	Sept. 1-Nov. 9	Closed season	Sept. 1-Oct. 20.
Kansas [2]	Sept. 1-Nov. 9	Oct. 21-Dec. 24	Oct. 1-Nov. 19.
Montana	Closed season	Closed season	Closed season.
Nebraska [2]	Oct. 1-Dec. 9	do	Oct. 1-Nov. 19.
New Mexico [2]	Sept. 1-Nov. 9	do	Sept. 1-Oct. 20.
North Dakota	Closed season	do	Sept. 29-Nov. 17.
Oklahoma [2]	Sept. 1-Nov. 9	Nov. 10-Jan. 13	Oct. 21-Dec. 9.
South Dakota	Closed season	Closed season	Sept. 1-Oct. 20.
Texas [1] [2]	Sept. 1-Nov. 9	Nov. 25-Jan. 28	Nov. 25-Jan. 13.
Wyoming [2]	Sept. 1-Nov. 9	Sept. 1-Nov. 4	Sept. 1-Oct. 20.

[1] In the State of Texas the daily bag limit on king and clapper rails is 15 and the possession limit is 30 singly or in the aggregate.
[2] In all States in this flyway the daily bag and possession limit on sora, Virginia, and yellow rails is 15 and 30 singly or in the aggregate of these species.
[3] Check State regulations for additional restrictions.

3. Section 10.51 is amended to read as follows:

§ 10.51 Migratory game bird hunting seasons in Alaska.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1967, and January 26, 1968, as follows:

	Ducks	Geese	Coots	Brant	Common snipe (Wilson's)	Little brown cranes
Daily bag limit	[1] 6	[2] 6	15	3	8	2
Possession limit	[1] 12	[2] 12	15	3	16	4
Season dates in:						
Pribilof and Aleutian Islands except Unimak Island.	Oct. 14-Jan. 26				Sept. 1-Oct. 31	Sept. 1-Oct. 15.
Rest of Alaska and Unimak Island.	Sept. 1-Dec. 14				do	Do.
Shooting hours	One-half hour before sunrise until sunset on all species.					

[1] Ducks: In addition to the basic daily bag and possession limits prescribed above for ducks collectively, a daily bag limit of 15 and a possession limit of 30 is permitted, singly or in the aggregate of the following species: scoter, eider, harlequin, old-squaw, and American and red-breasted mergansers.
[2] Geese: The daily bag and possession limits may not include more than 3 daily and 6 in possession, singly or in the aggregate, of white-fronted and Canada geese or their subspecies.

4. Section 10.53 is amended to read as follows:

§ 10.53 Seasons and limits on waterfowl, coots, and Wilson's snipe.

Subject to the applicable provisions of the preceding sections of this part, the areas open to hunting, the respective open seasons (dates inclusive), the shooting hours, and the daily bag and possession limits on the species designated in this section are prescribed between the dates of September 1, 1967, and March 10, 1968, as follows:

(a) An experimental open season for taking teal ducks (blue-winged, green-winged, and cinnamon teal) under authority of a special Federal permit is prescribed as follows:

(1) Every hunter must have been issued and carry on his person while hunting teal a properly validated 1967 Special Teal Hunting Permit issued by the Bureau of Sport Fisheries and Wildlife.

Daily bag limit	4
Possession limit	8
Shooting hours: Sunrise until sunset.	
Mississippi Flyway:	
Alabama	Sept. 22–Sept. 30.
Arkansas	Sept. 16–Sept. 24.
Illinois	Do.
Indiana	Sept. 8–Sept. 16.
Iowa [2]	Sept. 16–Sept. 24.
Kentucky	Sept. 3–Sept. 11.
Louisiana	Sept. 22–Sept. 30.
Michigan [3]	Sept. 15–Sept. 23.
Minnesota	Closed season.
Mississippi	Sept. 22–Sept. 30.
Missouri	Sept. 16–Sept. 24.
Ohio	Do.
Tennessee	Closed season.
Wisconsin	Do.
Central Flyway:	
Colorado [1]	Sept. 9–Sept. 17.
Kansas [2]	Do.
Montana [1]	Sept. 2–Sept. 10.
Nebraska	Sept. 9–Sept. 17.
New Mexico [1]	Sept. 22–Sept. 30.
North Dakota	Sept. 2–Sept. 10.
Oklahoma	Sept. 16–Sept. 24.
South Dakota	Sept. 9–Sept. 13.
Texas	Sept. 22–Sept. 30.
Wyoming [1]	Sept. 9–Sept. 17.

[1] Colorado and Wyoming lying east of the Continental Divide; in Montana, the Counties of Blaine, Fergus, Judith Basin, Wheatland, Sweet Grass, Stillwater, Carbon, and all counties east thereof; and that part of New Mexico lying east of the Continental Divide and outside the boundaries of the Jicarilla Apache Indian Reservation.
[2] The entire State of Kansas except the Marais des cygnes Waterfowl Management Area in Linn County, Kans., and the Neosho Waterfowl Management Area in Neosho County, Kans.
[3] Check State regulations for additional restrictions.

(b) (1) A special open season for taking scoter, eider, and old-squaw ducks is prescribed during the period between September 25 and January 10 in all coastal waters and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying

east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light (but not including any coastal waters of New York lying south of Long Island); and the States of New Jersey, Maryland, and North Carolina in any waters of the Atlantic Ocean and/or in any tidal waters of any bay which are separated by at least one (1) mile of open water from any shore, island and emergent vegetation: *Provided*, That any such areas have been described, delineated, and designated as special sea duck hunting areas under the hunting regulations adopted by the respective States. The daily shooting hours are from one-half hour before sunrise until sunset, and the daily bag limit is seven and the possession limit is 14, singly or in the aggregate of these species. In all other areas of these States and in all other States in the Atlantic Flyway, scoter, eider, and old-squaw ducks may be taken only during the open season for taking other ducks. During the open season on other ducks in all States in the Atlantic Flyway, a daily bag limit of seven and a possession limit of 14 scoter, eider, and old-squaw ducks, singly or in the aggregate of these species, are permitted in addition to the basic daily bag and possession limits prescribed for other ducks.

(2) Notwithstanding the provisions of § 10.3(b)(4), the shooting of crippled waterfowl from a motorboat under power will be permitted on those coastal water areas open to sea duck hunting during the special open season and all waters of rivers and streams lying seaward from the first upstream bridge in the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Connecticut; and in those coastal waters of New York State lying in Long Island and Block Island Sounds and the waters of Gardiner's Bay lying east of a line from the Long Beach Bay lighthouse to the most easterly point of Ram Head on Shelter Island to the Cedar Point light; (but not including any coastal waters of New York State lying south of Long Island); and the States of New Jersey, Maryland, and North Carolina, under the following conditions: Any person who cripples any migratory waterfowl while shooting from a fixed position may, within a 200-yard radius of such fixed position, pursue, shoot, and retrieve such crippled waterfowl from a motorboat under power.

(Sec. 3, 40 Stat. 755, as amended; 16 U.S.C. 703)

RAYMOND E. JOHNSON,
Acting Director, Bureau of Sport Fisheries and Wildlife.

JULY 17, 1967.

[F.R. Doc. 67-8470; Filed, July 21, 1967; 8:45 a.m.]

PART 32—HUNTING

Clear Lake National Wildlife Refuge, Calif.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

CALIFORNIA

CLEAR LAKE NATIONAL WILDLIFE REFUGE

Public hunting of big game on the Clear Lake National Wildlife Refuge, Calif., is permitted only on the area designated by signs as open to hunting, and is delineated on a map available at the refuge headquarters, Tulelake, Calif., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 730 Northeast Pacific Street, Portland, Oreg. 97208.

Hunting of big game is permitted during the period August 19 through August 27, 1967, in accordance with all applicable State regulations subject to the following special conditions:

(a) Species permitted to be taken: Antelope.

(b) Other provisions:

1. The provisions of this special regulation supplement regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32.

2. A Federal permit is not required to enter the public hunting area.

3. The provisions of this special regulation are effective through August 27, 1967.

JOHN D. FINDLAY,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

July 13, 1967.

[F.R. Doc. 67-8499; Filed, July 21, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 2244]

EXCHANGES

Establishment of Uniform Procedures for Handling

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by Revised Statutes 2478 (1875) (43 U.S.C. 1201) it is proposed to revise 43 CFR, Subpart 2244 as set forth below.

The purpose of this amendment is to establish uniform procedures for the handling of exchanges. Provision has been made for special requirements of specific exchange laws. The regulations provide that for all exchanges there must be preliminary negotations with the Federal bureau or agency which would administer the offered land if the exchange were completed. This procedure has been used in several types of exchanges and has been found to result in economies of time and money for both the Federal Government and the persons with whom it makes exchanges. Further, because preliminary negotiations will eliminate applications for exchange which cannot be completed, no service or filing fees are required. Previous regulations required fees with certain exchange applications. These regulations also establish that no preliminary negotiations will be conducted and no application will be accepted for lands under jurisdiction of the BLM which have not been classified as proper for disposal in accordance with appropriate procedures.

Detailed procedures for types of exchanges that occur infrequently have not been included in these regulations, but provision has been made for handling any such exchanges under the general regulations.

The procedures for exchanges have been modernized; extraneous information, in some instances unrelated to exchanges, has been omitted in the revision.

The proposed revision relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003). However, it is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Subpart 2244 is revised in its entirety to read as follows:

Subpart 2244—Exchanges

§ 2244.0–1 Purpose.

The regulations in this subpart provide procedures for processing exchanges of U.S. property for other property.

§ 2244.0–2 Objectives.

The discretionary authority of the Secretary of the Interior to make exchanges will be used to consolidate land holdings of the United States, and to establish land ownership and use patterns which will permit more effective administration of the public lands of the United States, the stability of communities and enterprises dependent on the public lands, and other program objectives described in Subpart 1725 of this chapter.

§ 2244.0–5 Definitions.

(a) As used in this part the term "person" includes any person or entity legally capable of conveying and holding real property under the laws of the States within which the property is located.

§ 2244.1 Provisions applicable to all exchanges.

Except where otherwise noted in the regulations of this Subpart 2244, the regulations in this § 2244.1 are applicable to all exchanges.

§ 2244.1–1 Basis for exchange.

The fair market value of the property conveyed to the United States in any exchange shall not be less than the fair market value of the United States property exchanged therefor.

§ 2244.1–2 Applications.

(a) Preliminary negotiations: Preliminary negotiations for exchanges must be conducted with the Federal bureau or agency which would administer the offered lands if the exchange were completed. Any person who holds an interest in property within the boundaries of the area of responsibility of such Federal bureau or agency and who desires to negotiate an exchange with the United States must file with the appropriate field officer of that bureau or agency an informal proposal, in writing, describing the property which is to be offered to the United States and the property which is desired in exchange. After consultation with the authorized officer of the bureau or agency which has jurisdiction over the property desired by the proponent, the appropriate field officer will notify the proponent in writing whether the proposal appears feasible and, if so, whether any adjustments appear necessary for its consummation.

(b) Formal application:

(1) Any person desiring to effect an exchange hereunder must file with the Bureau of Land Management an application, in duplicate, on a form approved by the Director, Bureau of Land Management, or its equivalent, properly describing the offered and selected property. If the selected property is surveyed, it must be described by legal subdivisions of the public land surveys. The documents must be filed in accordance with the provisions of § 1821.2 of this chapter. The application must be accompanied by the notice required by paragraph (a) of this section, stating that the proposal appears feasible.

(2) The application must also include a corroborated statement relative to springs and water holes on the selected property, in accordance with §§ 2321.1–1(a) to 2321.1–2(d) of this chapter.

(3) The application must state that the value of the selected property does not exceed the value of the offered property. In a case where, by statute, equalization of values is permitted by a cash payment, the amount of cash payment that must be made to equalize values shall be stated in the application.

(c) Classification of land: No preliminary negotiations will be conducted, and no application will be accepted for lands administered by the Bureau of Land Management which have not been classified as proper for disposal by exchange, consistent with the provisions of Part 2400 of this chapter. This does not, however, prevent an interested agency from requesting that the authorized officer of the Bureau of Land Management schedule classification action, in accordance with the provisions of Part 2400 of this chapter, for any lands which the interested agency considers may have value for exchanges.

(d) The applicant must be legally capable, under the laws of the State in which the offered property is located, of consummating the exchange. The application must state that the applicant is the owner of the interest in the property offered in exchange and that such offered interest is not the basis of any other exchange.

(e) Deed to the United States:

(1) Owners of private property will be required to submit a warranty deed of conveyance of the offered property to the United States, properly executed, acknowledged, and recorded in accordance with the laws of the State in which the property is situated. Revenue stamps required by Federal and State law must be affixed to the deed and canceled. A deed executed by an individual grantor must disclose his marital status. If married, the spouse of the grantor must join in the execution of the deed to bar any right of curtesy, dower, community interest, or any other claim to the property conveyed, or it must be fully shown that under the laws of the State in which the conveyed property is situated, the grantor's spouse has no interest, present or prospective, in the property. A deed executed by a corporation must recite that it was executed pursuant to a resolution or order of

its board of directors, or other governing body, and a copy of such resolution or order must accompany the deed. The corporate seal must be affixed to both instruments.

(2) States will be required to submit a deed of conveyance of the offered property to the United States, properly executed, acknowledged, and duly recorded in accordance with the laws of the State making the exchange, together with a certificate of the proper State officer showing that the officer executing the conveyance was authorized to do so under the State law.

(3) Holders of unperfected claims and Indian trust patents will not be required to submit a deed of conveyance. In lieu thereof, they will be required to submit a relinquishment of the claim or trust patent to the United States, witnessed by two persons and acknowledged before a notary public or other official with a seal. The relinquishment must contain a statement that the applicant has not sold, assigned, mortgaged, or contracted to sell, assign, or mortgage the land covered by the unperfected claim or relinquished allotment.

(4) All deeds and relinquishments must state that they are made "for and in consideration of the exchange of certain lands, as authorized by" the appropriate act of the Congress.

(5) Where appropriate, the deed shall recite that the conveyance is made to the United States, "as grantee in trust" for the appropriate Indian tribe or group.

(f) Taxes and equalizing money: Where taxes which have been assessed or levied on the offered property constitute liens against the property although such taxes are not due and payable at the time of the recordation of the deed to the United States, the applicant may furnish a bond with a qualified surety for double the amount of taxes paid on the property for the previous year, or, in lieu of a bond, a cash deposit in like amount, to secure the payment of such taxes. When proper evidence of payment in full of such taxes is furnished by the applicant, liability under the bond will be terminated or the cash deposit will be returned to him. Cash deposit or bond for taxes and, where applicable, cash payment of the amount determined to be needed to equalize values, will be payable upon request of the authorized officer of the Bureau of Land Management.

(g) Evidence of title:

(1) Owners of private property offered in exchange must submit as evidence of title to the offered lands a policy of title insurance on the form prescribed by the Department of the Interior (Form 4–1202), or on the form approved by the Attorney General (See "Standards for the Preparation of Title Evidence in Land Acquisitions by the United States" issued by the Department of Justice, 1964 ed.); or a certificate of title issued by a title insurance company authorized by law to issue same, or an abstract of title prepared and authenticated by a licensed abstractor or abstract company or by the recorder of deeds or other proper officer of the State under his official seal.

(2) States must submit satisfactory evidence of title to the offered property. (i) If the offered property was ever held in private ownership, certificate of title, or an abstract of title as prescribed in subparagraph (1) of this paragraph must be submitted. (ii) If the offered property was never held in private ownership the State must submit a certificate of the proper State officer showing that the offered property had not been sold or otherwise encumbered by the State, and a certificate by the recorder of deeds or other proper officer under his official seal or by an abstrator or abstract company that no instrument purporting to convey or in any way encumber title to the offered property is of record or on file.

(3) Holders of unperfected claims and Indian trust patents must file a certificate of the recorder of deeds or other proper officer under his official seal or of an abstractor or abstract company that no instrument purporting to convey or in any way encumber title to the offered land is of record or on file.

(h) Segregation of the land: The filing of a valid formal application for exchange under the regulations of this subpart will segregate the selected public lands to the extent that they will not be subject to appropriation under the public land laws, including the mining laws, and that any subsequently tendered application, allowance of which is discretionary, will not be accepted, will not be considered as filed, and will be returned to the applicant. The segregative effect of an application on the lands covered by the application will terminate at 10 a.m. on the 30th day from and after the date a notice of the withdrawal or rejection of the application is first posted in the land office having jurisdiction over said lands.

§ 2244.1–3 Publication.

Upon a determination by the authorized officer of the bureau or agency having jurisdiction over the selected property and the authorized officer of the bureau or agency which will administer the offered property, if the exchange is completed, that the exchange is consistent with the law and regulations and is otherwise in the public interest, notice of the proposed exchange will be published by the Bureau of Land Management. The notice of publication will give the name and post office address of the applicant, the serial number and date of the application, a reference to the statute authorizing the exchange, and the description of the offered and selected property. It will also state that all persons asserting a claim to the selected property or having bona fide objections to the exchange may file their protests or other objections in the office designated in the notice, together with evidence that a copy of such protest or objections has been served upon the applicant. The notice will be published once a week for 4 consecutive weeks in a designated newspaper of general circulation in the county or counties in which the offered property is situated, and in the same manner in a newspaper of general circulation in the county or counties in which the selected property is situated. Proof of publication of notice shall consist of a certificate by the publisher or foreman or other authorized employee of the newspaper, specifying the dates of publication, attached to a copy of the notice as published.

§ 2244.1–4 Approval of exchange; right to reject; unperfected claims.

(a) *Approval of exchange.* (1) The criteria in Parts 1720 and 2410 of this chapter and the provisions of appropriate law shall be used in determining whether an application for exchange should be approved.

(2) After examination of the title and other evidence required of the applicant, if all be found regular and in conformity with the law and regulations, and there are no objections, the authorized officer may accept title to the property offered and conveyed to the United States. He will then issue a patent or other instrument of transfer for the property selected in exchange and, where authorized by law, will transmit to the applicant the cash payment, if any, necessary to equalize the values.

(b) *Right to reject.* (1) An application may be rejected at any time prior to the issuance of patent or other instrument of transfer. Exchanges will not be consummated, in the discretion of the authorized officer when, for example, after public notice—

(i) An appropriate public requirement for the selected property is identified, or

(ii) Information is received which establishes that the exchange is not in the public interest.

(2) Changes in values, after publication of the notice required by § 2244.1–3, will ordinarily not be a basis for rejection of an application, all other factors being equal.

(3) Prior to issuance of patent, no action taken shall establish any contractual or other rights against the United States, or create any contractual or other obligation of the United States.

(c) *Unperfected claims.* When the offered lands are embraced in unperfected claims, patents will not issue for the selected lands until the applicant complies with all the requirements of the law and regulations under which the unperfected claims have been held. The applicant will be credited with all acts of compliance whether earned in connection with the offered lands or selected lands or both.

§ 2244.1–5 Removal of improvements; return of title evidence.

(a) When any buildings, fencing, or other movable improvements owned or erected by an applicant on the land relinquished or conveyed are not a part of the offer to relinquish or convey, the applicant may remove such improvements from the land upon receipt of notice that the exchange has been approved, provided that such removal is

accomplished within the time period specified in said notice.

(b) If an applicant has submitted deed and title evidence in connection with an exchange and his application is rejected, the evidence of title will be returned to the applicant. If the deed was recorded, a quitclaim deed for the land conveyed to the United States will be issued under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. sec. 872).

§ 2244.1–6 Costs and fees.

Whenever the law permits, the bureau or agency which will administer the offered lands if the exchange is consummated will be required to do the following:

(a) *Appraisals.* At the request and with the approval of the authorized officer of Bureau of Land Management, arrange, by contract or otherwise, for the services of appraisers, for the purpose of appraising both the offered and selected property.

(b) *Publication and securing title evidence.* Pay for costs of publication of the exchange and of securing title evidence for the offered property, except as provided otherwise in other sections of this subpart.

(c) *Processing.* At the request of authorized officers of Bureau of Land Management, reimburse the Bureau of Land Management and the bureau having jurisdiction over the selected lands, if other than the Bureau of Land Management, for any costs incurred by them in processing an exchange filed pursuant to the regulations in this subpart.

(d) *Service or filing fees.* Where the law permits, no service or filing fees shall be required in connection with an application for exchange.

§ 2244.2 Exchanges with States under the Taylor Grazing Act.

§ 2244.2–1 Authority.

(a) Subsections (c) and (d) of section 8 of the Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. sec. 315g), authorize exchanges of lands between the United States and a State, upon the application of the State, and provide for the issuance of patent for the selected lands upon acceptance of title to the lands conveyed to the United States in exchange therefor.

(b) Lands offered in exchange by a State may be State-owned lands within or without the boundaries of a grazing district, and the selected lands may be surveyed grazing district lands not otherwise appropriated or reserved, or unappropriated and unreserved surveyed public lands of the United States, within the same State. If, however, the selected lands are within a grazing district, the lands offered by the State must be within the same grazing district and the selected lands must lie in a reasonably compact body which is so located as not to interfere with the administration or value of the remaining lands in the district for grazing purposes.

(c) Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but the Secretary of the Interior will consider and determine whether the values of the offered and selected lands are aproximately equal for the purpose of the exchanges. No mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the State by such selections waiving all rights to the unsurveyed sections.

(d) State-owned lands, as well as school sections surveyed and unsurveyed, the title to which has not yet vested in the State, located within national forests, national parks and monuments, Indian or other reservations or withdrawals, may be offered as a basis for an exchange under said section 8 of the Taylor Grazing Act as amended, where the selected lands are not within a grazing district. Where the selected lands are within a grazing district, lands within the exterior boundaries of the grazing district and also within such reservations or withdrawals may be offered as a basis for an exchange only if the authorized officer, Bureau of Land Management, determines that the exchange would not interfere with the administration or value of the remaining lands in the grazing district for grazing purposes.

(e) Either party to an exchange may make reservations of minerals, easements, or rights of use. The right to enjoy reservations made in lands conveyed to or by the United States shall be subject to such reasonable conditions respecting ingress and egress and the use of the surface of the lands as the authorized officer deems necessary.

(f) Lands conveyed to the United States pursuant to a State exchange under this section, upon acceptance of title thereof, become public lands. If the lands are located within the exterior boundaries of a grazing district, they become a part of that district.

(g) Where a State exchange under this section involves lands embraced in outstanding grazing leases under section 15 of the Taylor Grazing Act (43 U.S.C., sec. 315m) issued prior to the filing of the State exchange application, the Secretary of the Interior, upon the request of the State, may issue patent to the State, subject to such outstanding lease, in accordance with the Act of August 24, 1937 (50 Stat. 748; 43 U.S.C. sec. 315p).

(h) The State is responsible for payment of one-half the cost of publication.

§ 2244.2–2 Program.

The program of the Secretary of the Interior is to cooperate with the States to effect mutually advantageous exchanges and to process State proposals for exchange as rapidly as possible, consistent with the law and the regulations of this subpart.

§ 2244.2–3 Applicable regulations.

All the provisions of § 2244.1 apply to State exchanges except:

(a) States may file applications for exchanges without meeting the requirements for preliminary negotiations.

(b) State exchanges are not subject to the classification requirements of Parts 2410 and 2411 of this chapter.

§ 2244.3 National forest exchanges.

§ 2244.3–1 Authority.

The Act of March 20, 1922 (42 Stat. 465), as amended (16 U.S.C., sec. 485), and other acts authorize the United States to convey Federal lands or timber and in exchange therefor to accept title to non-Federal lands which thereupon become a part of the national forest system administered by the Secretary of Agriculture.

§ 2244.3–2 Applicable regulations.

All proposals for exchange for the consolidation or extension of national forests shall be filed with the appropriate officer of the Forest Service, U.S. Department of Agriculture in compliance with the regulations of the Secretary of Agriculture. In addition, when an application involves the selection of public lands outside of national forests and under the administrative jurisdiction of the Bureau of Land Management, the proponents must comply with the regulations in § 2444.1.

§ 2244.4 Other exchanges.

The following exchanges are subject to the provisions of § 2244.1.

§ 2244.4–1 O&C exchanges.

(a) *Authority.* The Act of July 31, 1939 (53 Stat. 1144), authorizes and empowers the Secretary of the Interior, in his discretion, in the administration of the act approved August 28, 1937 (50 Stat. 874), to exchange any nonmineral land formerly granted to the Oregon and California Railroad Co., title to which was revested in the United States pursuant to the provisions of the Act of June 9, 1916 (39 Stat. 218), and any land granted to the State of Oregon, title to which was reconveyed to the United States by the Southern Oregon Co. pursuant to the provisions of the Act of February 26, 1919 (40 Stat. 1179), for lands of approximately equal aggregate value held in private, or State, or county ownership, either within or contiguous to the former limits of such grants, when by such action the Secretary of the Interior will be enabled to consolidate advantageously the holdings of lands of the United States. The act further provides that all lands and timber secured by the United States pursuant to any such exchange shall be administered in accordance with the same provisions of law as the revested and reconveyed lands exchanged therefor, and that parties to the exchange may make reservations of easements, rights-of-way, and other interests and rights. Both the offered and selected lands in Coos Bay Wagon Road exchanges must be in the same county.

(b) *Program—(1) Forest management.* The Act of August 28, 1937 (50 Stat. 874), provides for the conservation of land, water, forest, and forage on a permanent basis; the prudent utilization of these resources for the purposes to which they are best adapted; and the realization of the highest current values

consistent with undiminished future returns. It seeks, through the application of the policy of sustained-yield management, to provide perpetual forests which will serve as a foundation for continuing industries and permanent communities.

(2) *Exchanges.* (i) Lands and timber to be acquired under authority of the Act of July 31, 1939, will be of a character and so located that the acquisition thereof will promote the conservation principles laid down by the Act of August 28, 1937. Lands and timber which will be disposed of by exchange will be of such a type and so located that the transfer of these resources will not interfere with those principles. Exchanges will not be authorized where the exchange would create a serious disturbance of existing economic conditions; or in cases where the exchange would operate materially to reduce the revenues which should accrue to the counties under authority of the Act of August 28, 1937. Neither can approval be given to the exchange of lands which would prevent the free and ready access of the Government in the development of the resources under its jurisdiction, nor the passing of title to which would in any way interfere with the policy of sustained-yield forest management which governs the administration of the O. and C. lands.

(ii) The primary objectives sought by the Act of July 31, 1939, include the following:

(*a*) Simplification of administration, improvement, and protection through the consolidation of holdings.

(*b*) The development of a balanced distribution of age classes of timber with a view to promoting the policy of sustained-yield forest management provided for in the Act of August 28, 1937.

(*c*) The establishment of sustained-yield management units, with a view to sustaining dependent industry, dependent labor and dependent communities.

(*d*) The effective administration of forest units.

(*e*) Aid in establishing economic operating units for combined agricultural and grazing enterprises, where such enterprises appear to provide the most desirable use of the land.

(*f*) The protection of recreational, open space, and natural beauty values against impairment or destruction.

§ 2244.4–2 Private exchanges under Taylor Grazing Act.

(a) *Authority.* Subsections (b) and (d) of section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C., sec. 315g), authorize the Secretary of the Interior, when the public interests will be benefited thereby, to accept on behalf of the United States title to any privately owned land within or without the boundaries of a grazing district and in exchange therefor to issue a patent for not to exceed an equal value of surveyed grazing district land or of unreserved surveyed public land in the same State or within a distance of not more than 50 miles within the adjoining State nearest the privately owned land. Either party to an exchange may make reservations of minerals, easements, or rights of use. The applicant must pay one-half the cost of publication.

§ 2244.4–3 Indian reservation exchanges.

(a) *Executive order reservations.* The Act of April 21, 1904 (33 Stat. 211; 43 U.S.C., sec. 149), authorizes the Secretary of the Interior to exchange any vacant, nonmineral, nontimbered, surveyed public lands located in the same State as the offered lands for any privately owned lands over which an Indian reservation has been extended by Executive order. The offered and selected lands must be approximately equal both in value and area. The applicant must pay all costs of consummating the exchange.

(b) *San Juan, McKinley, and Valencia Counties, N. Mex.* Section 13 of the Act of March 3, 1921 (41 Stat. 1239), authorizes the Secretary of the Interior to exchange any vacant, surveyed public lands, including any lands reconveyed under this act, in San Juan, McKinley, and Valencia Counties, N. Mex., for any privately owned lands, State school lands (except those granted by the act of January 25, 1927, 44 Stat. 1026, as amended (43 U.S.C. 870)), and lands covered by valid unperfected claims, and by Indian allotments and Indian allotment selections in such counties. The exchange must serve to consolidate the holdings of the applicant, who must own land in the same township in which the selected lands are located.

(c) *Apache, Coconino, and Navajo Counties, Ariz.* Section 2 of the Act of June 14, 1934 (48 Stat. 961), as supplemented by the Act of May 9, 1938 (52 Stat. 300), authorizes the Secretary of the Interior to exchange (1) any vacant, nonmineral, surveyed public lands in Apache, Navajo, and Coconino Counties, Ariz., for any privately owned lands in Apache and Coconino Counties and in that portion of Navajo County north of the townships line between Townships 20 North and 21 North, Gila and Salt River Meridian, and (2) any available lands within the reservation described in the above-mentioned act of 1934 for any lands covered by Indian allotments and Indian allotment selections in the three mentioned counties. Applicants may select public lands containing springs or other living waters only if the offered lands contain similar waters. If an applicant reserves oil, gas, and other minerals in the offered lands, a like reservation will be made in the selected lands.

(d) *Reservations established by statute.* Exchanges and lieu selections involving lands within Indian reservations occur infrequently. Regulations covering such transactions are, therefore, not codified. Any such transactions will be handled in a manner consistent with the authorizing laws and with the general regulations of § 2244.1 for exchanges, and of § 2244.2 for State lieu selections.

§ 2244.4–4 National Park System exchanges.

(a) *General.* Exchanges to eliminate private holdings from national parks and national monuments for which no specific provisions are made in this section have generally reached the limits allowed by enabling legislation. Regulations covering such transactions are, therefore, not codified. Any such transactions will be handled in a manner consistent with the authorizing laws and with the regulations in § 2244.1.

(b) *Point Reyes National Seashore, Calif.* The Act of September 13, 1962 (76 Stat. 538; 16 U.S.C., secs. 459c–459c–7), providing for the establishment of the Point Reyes National Seashore in the State of California, authorizes the Secretary of the Interior, when the public interest will be benefited thereby, to acquire land, waters, and other property within the boundaries of the Point Reyes National Seashore by exchange. He may accept title to any non-Federal property located within such area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary within Arizona, California, Nevada, and Oregon, notwithstanding any other provision of law. The properties so exchanged shall be approximately equal in fair market value, provided that when such values are not equal the Secretary may accept cash from or pay cash to the grantor in such an exchange in order to equalize the value of the properties exchanged.

(c) *Fire Island National Seashore.* The Act of September 11, 1964 (78 Stat. 928; 16 U.S.C., secs. 459e–459e–9), authorizes the Secretary of the Interior to establish an area to be known as the "Fire Island National Seashore" and to acquire by exchange lands within the boundaries of the seashore as specified in the act. When acquiring land by exchange the Secretary may accept title to any nonfederally owned land located within the boundaries of the national seashore and may convey to the grantor any federally owned land under his jurisdiction. The properties so exchanged shall be approximately equal in fair market value, but the Secretary may accept cash from or pay cash to a grantor in order to equalize the values of the lands exchanged.

(d) *Lake Mead National Recreational Area.* The Act of October 8, 1964 (78 Stat. 1039, 16 U.S.C., secs. 460n–460n–9) authorizes the Secretary of the Interior to revise the boundaries of the Lake Mead National Recreation Area and to procure property within the exterior boundaries of such area in such manner as he shall consider to be in the public interest. In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property located within the boundaries of the recreation area and convey to the grantor of such property any federally owned property under the jurisdiction of the Secretary. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash

from or pay cash to the grantor in an exchange in order to equalize the values of the properties exchanged.

(e) *Whiskeytown-Shasta-Trinity National Recreation Area, Calif.* The Act of November 8, 1965 (79 Stat. 1295) authorizes the Secretary of the Interior to administer the Whiskeytown unit of the Whiskeytown-Shasta-Trinity National Recreation Area. The Secretary is authorized to accept title to any non-Federal property within any part of the recreation area and in exchange therefor to convey to the grantor any federally owned property under his jurisdiction within the State of California which he classifies as suitable for exchange or disposal. The properties so exchanged shall be approximately equal in fair market value, provided that the Secretary may accept cash from or pay cash to the grantor in an exchange in order to equalize the value of the properties exchanged.

§ 2244.4–5 Wildlife refuge exchanges.

(a) Section 303 of the Act of June 15, 1935 (49 Stat. 382; 16 U.S.C., sec. 715d–2), and Reorganization Plan No. II of May 9, 1939 (53 Stat. 813, 1431, 1433; 5 U.S.C., secs. 133s, 133t), authorize the Secretary of the Interior, in his discretion and when the public interest will be benefited thereby, to accept on behalf of the U.S. title to any lands which in his opinion, are chiefly valuable for migratory bird or other wildlife refuges, and in exchange therefor to patent not to exceed an equal value of surveyed or unsurveyed, unappropriated and unreserved nonmineral public lands in the same State, the value in each case to be determined by him. Section 304 of the Act of June 15, 1935 (49 Stat. 382; 16 U.S.C., sec. 715e–1) permits the private owners of lands offered in an exchange to retain such rights of way, easements and reservations in such lands as will not interfere with the use of the areas involved for the purposes of the Act of June 15, 1935.

(b) Section 2(b) of the Act of October 15, 1966 (80 Stat. 926), authorizes the Secretary of the Interior to acquire by purchase, donation, or otherwise, lands or interests therein necessary for the conservation, protection, restoration, and propagation of selected species of native fish that are threatened with extinction.

(c) Section 4(b)(3) of the Act of October 15, 1966 (80 Stat. 926), authorizes the Secretary of the Interior to acquire lands or interests therein by exchange (1) for acquired lands or public lands under his jurisdiction which he finds suitable for disposition, or (2) for the right to remove, in accordance with such terms and conditions as the Secretary may prescribe, products from the acquired or public lands within the National Wildlife Refuge System. The values of the properties so exchanged either shall be approximately equal, or if they are not approximately equal the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require.

§ 2244.4–6 Miscellaneous State exchanges.

Because of the infrequency of transactions involving State exchanges under the Acts of May 7, 1932 (47 Stat. 150), section 3 of the Act of June 14, 1934 (48 Stat. 962), Act of December 7, 1942 (56 Stat. 1042), and the Act of June 29, 1936 (49 Stat. 2026), regulations covering these transactions are not codified. Any such transaction will be handled in a manner consistent with the authorizing laws and with the regulations in § 2244.1.

§ 2244.5 Reclamation exchanges.

§ 2244.5–1 Applicable regulations.

(a) Regulations for exchange under the Act of August 13, 1953 (67 Stat. 566; 43 U.S.C. 451–451K), are in Part 406 of this title and for exchanges under the Act of May 25, 1926 (44 Stat. 648; 43 U.S.C. 423c), are in §§ 403.6–403.11 of this title.

(b) Applications for new entry under the provisions of the Act of March 4, 1915 (38 Stat. 1215; 43 U.S.C. 447), must be on the form provided for homestead applications, must refer to the serial number, and give the description of the former entry and a statement by the applicant showing the facts upon which he claims to come within the provisions of this act.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

JULY 17, 1967.

[F.R. Doc. 67-8492; Filed, July 21, 1967; 8:45 a.m.]

National Park Service

[36 CFR Part 7]

FIRE ISLAND NATIONAL SEASHORE, N.Y.

Proposed Vehicular Use

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by section 3 of the Act of August 25, 1916, as amended (39 Stat. 535, 16 U.S.C. 3), and in order to carry out the purposes of the Act of September 11, 1964 (78 Stat. 928, 16 U.S.C. 459e), authorizing the establishment of the Fire Island National Seashore, it is proposed to amend Part 7, Chapter 1, Title 36, Code of Federal Regulations, as hereinafter set forth.

The unrestricted use of motor vehicles in the Fire Island National Seashore conflicts with the purposes of the Act of September 11, 1964, authorizing the establishment of this Seashore, to conserve and preserve for the use of future generations certain relatively unspoiled and undeveloped beaches, dunes and other natural features within Suffolk County, N.Y., which possess high values to the Nation as examples of unspoiled areas of great natural beauty in close proximity to large concentrations of urban population; conflicts with the administration of the Seashore to be established with the primary aim of conserving the natural resources located there; is inconsistent with statutory limitations on access to that section of the Seashore lying between the easterly boundary of the Brookhaven town park at Davis Park and the westerly boundary of the Smith Point County Park; and is incompatible with the preservation therein of the flora and fauna and the physiographic conditions now prevailing; and conflicts with the preservation of such section and of the Sunken Forest Preserve in as nearly their present state and condition as possible.

The following regulations are proposed in order to protect the Federal lands and interests therein within the Seashore and to protect members of the public using such properties, and to provide for recreational use of Seashore lands by motor vehicles for activities such as sport fishing and hunting in areas and at times which do not conflict with the conservation of the natural resources of the Seashore.

The proposed regulations provide that, with certain exceptions, no motor vehicles shall be operated on lands owned or controlled by the United States except by permit issued by the Superintendent of the Seashore. Motor vehicles, commercial passenger vehicles, official vehicles, public utility vehicles, service vehicles, emergency vehicles, and school buses are defined and vehicular travel during certain periods and in certain areas is restricted. Official vehicles, emergency vehicles, and school buses may be operated without permit at all times. The Superintendent of the Fire Island National Seashore is authorized to establish a system of permits and to designate routes of travel, speed limits and to suspend the regulations during emergencies.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director, National Park Service, within 15 days after the publication of this notice in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

JULY 19, 1967.

Part 7 of Chapter I, Title 36 of the Code of Federal Regulations, is amended by the addition of a new section reading as follows:

§ 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*—(1) *Definitions.* The following terms or phrases, when used in this section, have the meanings hereinafter respectively ascribed to them:

(i) *Seashore lands.* Any lands owned or hereafter acquired by the United States or in which the United States possesses or hereafter acquires a proprietary interest.

(ii) *Motor vehicle.* Any self-propelled land vehicle.

(iii) *Commercial passenger vehicle.* Any motor vehicle carrying passengers for hire.

(iv) *Official vehicle.* Any motor vehicle while used on official business of the U.S. Government, the State of New York, the County of Suffolk and of towns, villages, and communities situated on Fire Island.

(v) *Public utility vehicle.* Any vehicle owned or operated by a public utility or a public service company enfranchised or licensed to supply Fire Island residents with electricity, water, or telephone service.

(vi) *Service vehicle.* Any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged in the business of furnishing construction, maintenance, or repair services, including, but not limited to, building, plumbing, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection and delivery service.

(vii) *Emergency vehicle.* Any hearse, fire engine, and any motor vehicle (including commercial passenger vehicles), while engaged in transporting, or bringing medical assistance to sick, injured, aged, or infirm persons.

(viii) *School bus.* Any motor vehicle owned or operated by or on behalf of a school district or other public or private entity maintaining elementary or secondary schools, while in use for transporting elementary or secondary school children to and from school activities.

(ix) *Dune crossing.* An access way over a primary or transverse dune designated and marked as a dune crossing.

(x) *Superintendent.* The Superintendent of the Fire Island National Seashore or his authorized representative.

(2) *Permits.* No motor vehicles, other than official vehicles, emergency vehicles, and school buses, shall be operated across Seashore lands, except under permit issued by the Superintendent.

(i) No permit shall be issued for any motor vehicle having a carrying capacity in excess of 1 ton: *Provided*, That application may be made to the Superintendent for a special trip permit for a vehicle of greater capacity to carry heavier loads for which water transportation is not feasible or available.

(ii) No permit shall be issued for any motor vehicle not equipped, in the judgment of the Superintendent, to travel over sand.

(iii) Permits may be issued for periods of 1 day or longer, depending upon the reasonable requirements of the applicant, but not to extend beyond December 31 of the year of issuance.

(iv) The Superintendent is authorized to establish a system of permits consistent with the requirements of these regulations. Permits shall be displayed at all times in such manner as to be readily visible on any motor vehicle.

(3) *Authorized and prohibited travel.* (i) Travel by official vehicles and emergency vehicles shall be permitted on Seashore lands at all times.

(ii) Travel by public utility vehicles and service vehicles over Seashore lands during the period May 1 to October 1, except in an emergency as determined by the Superintendent, shall be restricted to the hours between 6 p.m. of one day and 10 a.m. of the following day except that such vehicles shall not be permitted to travel over such lands between 10 a.m. on Saturday and 6 p.m. on the following Sunday.

(iii) Except as hereinafter provided, during the period May 1 to October 1, travel by all other motor vehicles on Seashore lands east of Robert Moses State Park to the westerly boundary of Smith Point County Park is prohibited.

(iv) Travel by motor vehicles, except official vehicles, emergency vehicles and school buses, across Seashore lands within that area extending from the easterly boundary of Ocean Ridge and the westerly boundary of Smith Point County Park is prohibited at all times: *Provided*, That owners and occupants of houses situated therein, their guests and business invitees may be issued special access permits by the Superintendent to afford them ingress and egress by motor vehicle via Smith Point County Park.

(v) All motor vehicles having a valid permit may be operated at all times on Seashore lands lying between the westerly boundary of Smith Point County Park and Moriches Inlet.

(4) *Rules of travel.* (i) So far as practicable, vehicles shall be operated in established tracks. When two vehicles approach from opposite directions in the same track, the operator with the water to his left shall yield by turning out of the track.

(ii) No vehicle shall be parked closer than ten (10) feet or farther than twenty (20) feet from the established track or designated route.

(iii) No person shall operate a motor vehicle on Seashore lands at a speed greater than is reasonable and prudent, having regard to the safety and welfare of others, and to the objective of causing minimum damage to beach or other areas in which such vehicle is operated, and not in any event to exceed twenty-five (25) miles per hour.

(iv) No motor vehicle shall be operated on any portions of a dune except at posted dune crossings.

(v) The Superintendent may designate routes of travel across Seashore lands by the posting of appropriate signs. Where routes are so designated, vehicles shall be operated only within the designated routes.

(vi) No motor vehicle shall be operated by other than the holder of a valid operator's license.

(vii) No person who is under the influence of intoxicating liquor shall operate a motor vehicle on Seashore lands.

(viii) In an emergency, the Superintendent may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, or other adverse weather conditions, the Superintendent shall close all or any portion of the Seashore lands to vehicular travel for such period as he shall deem advisable in the interests of public safety.

(5) *Violations.* The Superintendent may suspend or revoke any permit for violation of any of the foregoing regulations.

[F.R. Doc. 67-8562; Filed, July 21, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 926]

[Docket No. AO 135-A6]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Marketing Agreement, as Amended, and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendment of the marketing agreement, as amended, and order, as amended (7 CFR Part 926), regulating the handling of Tokay grapes grown in San Joaquin County, Calif., hereinafter referred to collectively as the "order." The order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act."

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the recommended amendment of the order was formulated was held in Lodi, Calif., on June 1, 1967, pursuant to a notice thereof which was published in the FEDERAL REGISTER on May 10, 1967 (32 F.R. 7089). The notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Industry Committee, the administrative agency for the order.

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to:

(1) Authorize the committee, with the approval of the Secretary, to prescribe rules, regulations, and safeguards deemed

necessary to assure that grapes marketed as premium quality grapes meet the prescribed requirements for such grapes;

(2) Authorize the committee to borrow money;

(3) Authorize the establishment and maintenance of a reserve in an amount equal to approximately one season's operational expenses;

(4) Revise the provisions of the order with respect to marketing research and development projects to authorize any form of marketing promotion, including paid advertising; and

(5) Make conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues, all of which are based on the evidence adduced at the hearing are as follows:

(1) The order should be amended as hereinafter set forth to authorize the committee, with the approval of the Secretary, to prescribe rules, regulations, and safeguards deemed necessary to assure that grapes designated and marketed as conforming to the requirements prescribed for premium quality grapes shall meet or exceed the requirements established for such grapes. Testimony adduced at the hearing indicates that there is a place in the market for premium packs of Tokay grapes. Such premium quality grapes will, when marketed with grapes of a lower quality, provide consumers with a choice as to which quality grape they will purchase. Confronted with this choice, consumers can reasonably be expected to buy more Tokay grapes than would be purchased when grapes of only one quality are offered. Premium quality grapes can reasonably be expected to sell for a higher price than lower quality grapes and without lowering the price of grapes which are not of premium quality. This price situation should result in an increase in growers' total returns. The order presently contains authority which permits the committee to prescribe the requirements as to grade, size, pack, and container for premium quality grapes. Such authority was for the purpose of identifying premium quality grapes so that such grapes could be exempt from volume regulations. Such authority has not been used, however. There is need to provide additional authority in the order governing the handling of premium quality grapes that are marketed in fresh form. Without such authority, handlers could freely market grapes depicted to be of premium quality when the grapes were actually of a lower quality. Such unfair competitive practice would advantage such handler, at least initially, over all other handlers in that such sales would probably be at higher prices. Because such grapes were of a quality below premium quality, consumers would probably not be satisfied with such grapes and would tend to refuse to buy additional quantities of Tokay grapes or buy grapes of standard quality and at the lowest price. Thus, the elimination or curtailment of this unfair trade practice would benefit the entire industry, would encourage more orderly marketing, increase the total quantity of fresh Tokay grape sales, increase total returns to growers, and be in the public interest.

The first step necessary to accomplish this objective is to provide authority for the Secretary to prescribe the requirements which premium quality grapes marketed in fresh form must meet or exceed. Record evidence clearly shows that the committee can recommend to the Secretary, and the Secretary issue, appropriate requirements which will provide the basis for easy identification of premium quality grapes. Through rules and regulation procedure the Secretary, on recommendation of the committee, should be authorized to establish procedure and methods of handling, including inspection and identification of premium quality grapes, that will permit handlers to market such grapes separately and distinctly from all other packs of grapes. Such authority for implementing regulations also should permit the delineation of what constitutes marketings as premium quality grapes, including, but not limited to, what constitutes a representation that grapes are of premium quality. This may be necessary to prevent evasion of the regulation by the use of descriptive terms other than "premium quality" which, nevertheless, may connote, represent, or imply that the grapes are of premium quality. Such procedure would not preclude, however, the marketing of packages of premium quality grapes with packages of grapes not identified as premium quality.

The prescribing of requirements for premium quality grapes by the Secretary and the issuance of rules and regulations with respect to procedure and method of handling premium quality grapes does not impose restrictions on any handler unless he chooses to pack and market a portion of his grapes in conformance with such requirements. The decision as to whether to pack to and request inspection on the basis of the established requirements for premium quality grapes is made by each handler for each lot of grapes. A portion of each lot of grapes can reasonably be expected to meet the requirements of premium quality grapes if good cultural, harvesting, and packing practices have been followed. The portion of a lot of grapes that may be marketed as premium quality grapes can reasonably be expected to return more money than a quantity of grapes packed to a lower standard. Should a handler pack to the premium quality requirements and upon inspection it was determined that such grapes did not meet the established requirements for premium quality grapes, the handler could, if such grapes met or exceeded the minimum grade requirement of the regulation in effect, market such grapes in the same manner as presently. Thus, the making available of a premium quality grade for use by any handler desiring to market grapes on such basis should increase the sales of Tokay grapes and improve returns to the growers. The order should be so amended.

(2) The provisions of the order relating to assessments should be amended to authorize the committee to borrow money. The season for Tokay grapes begins April 1 of each year and the shipment of grapes usually begins about the first of September. Thus, there is a period of approximately 5 months during which the committee will be incurring expenses prior to the time when assessment income from the current crop is available. During this period the committee will probably be engaged in its greatest activity. It will be surveying the crop to estimate the production and quality, establishing its marketing policy, and determining regulations that should be in effect for the season. Even though there is a proposal to establish and maintain a reserve in an amount not to exceed approximately one fiscal year's operational expenses, it was testified at the hearing that it may be desirable for the committee to borrow money and the order should be amended to authorize the committee to do so. While it is not expected that the committee will likely need to borrow money soon, the order should provide authority so that the committee's activities will be as flexible as possible to administer the provisions of the order. Therefore, the order should be amended to permit the committee to borrow money should it need to do so.

(3) In the operation of the order, the Industry Committee has found that the accumulation and maintenance of a financial reserve from excess assessment funds is a good business practice and contributes to efficient financial management in that it lessens the need for borrowing money and refunding any excess assessment money to handlers. The fund was established through rule making procedures on recommendation of the committee and with the approval of the Secretary. Such reserve should be covered by a specific provision of the order. The evidence of record shows that the reserve should be available to cover any expenses authorized under the order, including (i) expenses incurred during the preharvest period before assessment income is received, (ii) deficits incurred during any season when, as a result of miscalculation or crop failure or partial crop failure, assessment income is insufficient to cover expenses, (iii) a deficit is deliberately incurred so as to reduce the reserve, (iv) any expenses incurred during a period of suspension of any part or all of the order, and (v) costs of liquidation.

The rules and regulations establishing the reserve fund limit the amount that may be in the reserve to $20,000 and permits the transfer of not to exceed 10 percent of the season's annual budget to be placed in the reserve. Presently, the amount in the reserve is well within the prescribed limits.

Source of funds has been from excess assessments, and this should continue to be the source of such funds. However, the restrictions of $20,000 should be changed to an amount equal to approximately one season's operational expenses and the restriction that funds not to exceed 10 percent of one season's annual budget may be placed in the reserve should be eliminated. Record evidence

shows that with the anticipated authority for any form of marketing promotion, including paid advertising, the committee's expenses are likely to be increased substantially. To effectively advertise considerable advanced planning, including obligation of expenses, is necessary. Thus, the amount of $20,000 may not be adequate. It is desirable that the amount in the reserve be maintained approximately at or below the expenses for one season. However, the order should permit the transfer of any excess assessment funds on hand at the end of any season into the reserve if, at that time, the reserve does not exceed approximately 1 year's expenses. It is not possible to estimate with exact precision the committee expenses, the total production of the crop or the quantity of such production that will be subject to assessments. Should one or more of these estimates be incorrect, the committee could have excess assessment funds that would have to be credited to handler accounts or paid to such handlers. With the reserve fund procedure in effect, there is little likelihood of any large excess assessment funds being on hand at the end of any season because the committee could adjust the assessment rate downward whenever the amount in the reserve approaches one season's expenses. For the same reason, the committee will probably never refund or credit excess assessment to handlers, although such provision should be in the order.

The reserve procedure is equitable to all concerned. Those who pay the assessment; namely, the handlers, usually are in a lifetime occupational pursuit and there is not frequent change in the identity of the person involved. Vines cannot be pulled and replaced rapidly as is the case with row crops and vineyards are not frequently sold. Under the reserve procedure, those who might pay slightly more than their proportionate share of the operating cost of the program in any given year are the same people who will benefit in a year of reduced assessments.

Upon termination of the order, reserve funds that are not needed for liquidation should be disposed of by returning them pro rata to those who contributed or by disposition in any other manner determined by the Secretary to be appropriate. Because the sums to be returned may be too small to justify the administrative expense of proration, or because of the time involved since their receipt, it might be impractical to return them to the contributors. Hence, the authorization for appropriate disposition by the Secretary.

(4) The provisions of the order which authorize the committee to establish or provides for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes should be amended to provide for any form of marketing promotion, including paid advertising. Tokay grapes are marketed in a highly competitive situation. They compete for shelf space and retail attention with a host of fresh and processed fruits, many of which are nationally advertised and promoted. Hence, authority for expanded promotional activities, including paid advertising, is needed in the order so the committee will possess the means to strengthen the position of Tokay grapes and to maintain or expand sales as the situation warrants.

The authority under the order for promotional programs, including paid advertising, for Tokay grapes should be broad and flexible, and available to the extent permitted under the act to facilitate timely development of programs suitable to the circumstance. Campaigns to expand demand and expansion of sales in low consumption areas would necessarily involve techniques designed to obtain such results. Stimulation of demand and expansion of sales in areas where Tokay grapes are already being used in volume, and where the objective would be to obtain a quick response, may need to employ different techniques. Thus, the committee should have the authority to decide, subject to the approval of the Secretary, the particular types of advertising and publicity or promotion projects that should be employed, singly or in combination, to obtain its objective. Such projects should include but not be restricted to such promotional techniques as publicity, education, merchandizing, dealer service work, and newspaper, radio, television, and magazine advertising as may be necessary considering the circumstances existing during the particular season or anticipated in future seasons.

Publicity and education involves suggestions for serving Tokay grapes, product information stories, recipes, and photographs designed to capture the attention of food page editors and stimulate their use in food page copy.

Merchandizing usually involves the development and distribution of attractive point of purchase material, recipe folders, brochures which identify the commodity and give information about it, or bulletins on handling and display methods. It may or may not employ the use of dealer service personnel to work with wholesalers and retailers to encourage them to feature the commodity. Merchandizing may also involve the staging of sales contests, in which wholesale and retail sales personnel are rewarded for outstanding displays or increased sales. Trade paper advertising usually is for the purpose of announcing the availability of the product. Its use may be necessary in gaining the editorial support of such papers which is generally accorded an advertiser.

Spot radio announcements have been found to have considerable value in gaining retailer support. Such announcements may be tied in with advertising financed by the retailer, thus enhancing the overall effect.

Television, network radio, and magazine advertising are relatively expensive. Such should probably be considered for Tokay grapes in a joint venture with one or more partners whose products may be used in recipes, salads, fruit bowls, or otherwise featured in ways that are complimentary to Tokay grapes. Sharing costs will extend the reach of the Tokay advertising program. The attractive color and catchy description—Flame Tokay—should be featured in color advertising media.

Any work in connection with marketing promotion, including paid advertising, should be submitted to the Secretary for his approval in the form of a project. While the committee is considering this matter and making its decision with respect thereto, it should give consideration to the following factors along with other factors which it considers pertinent: (1) The expected supply of Tokay grapes and the market requirements; (2) the supply and quality of competing fruits, and (3) the need for any marketing development activity and any tie-in with USDA's Plentiful Foods Program that may be available.

At the conclusion of each season during which the committee has engaged in a project pursuant to this section, it should make an appraisal of each such project and prepare a summary report of the status and accomplishments to its members and the Secretary. Such report should be of assistance to the committee in making plans for the continuation of such project.

In establishing and refining its objectives, the committee should be authorized to consult not only with those persons who are familiar with the marketing of Tokay grapes but also those who have knowledge and experience in promotional research and in the conduct of promotional and advertising programs so that it may conduct its program in the most advantageous manner possible. The committee should be authorized to conduct promotional and advertising work directly or, if deemed advantageous to it, to contract with or otherwise utilize other agencies or persons for the conduct of such work. The committee should, of course, supervise the performance of any person or agency it may so utilize to assure that the work performed is in accord with the plan of the committee.

The funds to cover the cost of any promotional program, including advertising, should be obtained by levying assessments on shipments of grapes in the same manner that such are levied to finance the administrative and other costs of the committee. Likewise, the anticipated expenses of advertising and promotion should be included in the budget of expenses submitted to the Secretary for his approval. Such expenses should include costs which may be incurred in the planning and development of the promotional programs, including the cost of any consulting services necessary. While the program should be submitted to the Secretary for his approval in the form of a project, it is recognized that considerable study and planning are involved in the determination of such a project, hence the incurring of expenses in connection with such development should be authorized on the basis of budgetary approval prior to the time such project is submitted. To facilitate the greatest degree of flexibility in the planning and conduct of promotional activity, including advertising, the reserve fund should be available to cover the

costs of such activity in the manner that such reserve is available for use in covering any other cost under the order.

The inclusion of authority to engage in advertising should not lessen the need for other forms of research projects designed to assist, improve, or promote the marketing, distribution, or consumption of Tokay grapes. Rather, the inclusion of advertising could open up areas where research would be needed. For example, the committee may want to institute a research project to evaluate the effects of advertising, or to ascertain the most desirable approach to the advertising of Tokay grapes and the order should contain such authority.

(5) The amendment heretofore recommended will make it necessary to make certain conforming changes in §§ 926.50 and 926.51. The conforming changes will make clear the responsibility of the committee with respect to its recommendation concerning premium quality grapes and the manner in which the Secretary issues regulations for such grapes. Such will tie-in and clarify rules and regulations of the committee with respect to such grapes.

Rulings on proposed findings and conclusions. June 14, 1967, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested persons with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No brief was filed.

General findings. Upon the basis of the evidence adduced at the hearing, and the record thereof, it is found that:

(1) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, regulate the handling of Tokay grapes grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended and as hereby proposed to be amended, and the order, as amended and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of Tokay grapes grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of Tokay grapes grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the amended marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Add to § 926.17 a final sentence to read as follows:

§ 926.17 Premium quality grapes.

* * * The committee, with the approval of the Secretary, shall prescribe rules, regulations, and safeguards as it may deem necessary to assure that grapes marketed as Premium Quality grapes meet the prescribed requirements for such grapes.

2. Add to § 926.46 *Assessments* a final sentence to read as follows:

§ 926.46 Assessments.

* * * In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current season's shipments, the Industry Committee may borrow money for such purposes.

3. Amend § 926.47 *Handler accounts* to read as follows:

§ 926.47 Handler accounts.

(a) If at the end of a season, the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided*, That funds already in the reserve do not exceed approximately one season's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following season or be paid such refund. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) The Industry Committee may, subject to the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

4. Amend § 926.49 *Research* to read as follows:

§ 926.49 Research.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 926.46.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of grapes in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendations as to funds to be obtained pursuant to § 926.46;

(2) Its recommendations as to any marketing research projects; and

(3) Its recommendations as to promotion activity and paid advertising.

5. The provisions of § 926.50 are amended to read as follows:

§ 926.50 Recommendation of Industry Committee.

Whenever the Industry Committee deems it advisable (a) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (b) to prescribe the requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes, and to require that grapes that are handled and designated as conforming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, it shall so recommend to the Secretary. At the time of submitting any such recommendation, the said committee shall submit to the Secretary the date and information upon which it acted in making such recommendation, including factors affecting the supply of, and the demand for, grapes by grades and sizes thereof, and such other information as the Secretary may request. The said committee shall promptly give adequate notice to the handlers and growers of any such recommendation submitted to the Secretary.

6. The provisions of § 926.51 are amended to read as follows:

§ 926.51 Establishment of regulations.

(a) Whenever the Secretary finds, from the recommendations and information submitted by the Industry Committee, or from other available information, that (1) to limit the shipment of grapes to particular grades, sizes, packs, or containers, or any combination thereof, or (2) to prescribe requirements in terms of grade, size, pack, or container, or any combination thereof, for premium quality grapes and to require that grapes that are handled and designated as con-

forming to the requirements prescribed for premium quality grapes shall meet or exceed such requirements, would tend to effectuate the declared policy of the act, he shall so limit the shipment as set forth in subparagraph (1) of this paragraph or require grapes to conform to such requirements as may be prescribed in accordance with subparagraph (2) of this paragraph during a specified period.

(b) The Secretary shall immediately notify the Industry Committee of the issuance of any such regulation, and the said committee shall promptly give adequate notice thereof to handlers and to growers.

Dated: July 19, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8512; Filed, July 21, 1967; 8:48 a.m.]

[7 CFR Part 1043]

[Docket No. AO 247-A12]

MILK IN UPSTATE MICHIGAN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Park Place Motor Inn, Traverse City, Mich., beginning at 2 p.m., local time, on August 1, 1967, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Upstate Michigan marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Michigan Milk Producers Association:

Proposal No. 1. Change the present Class II and Class III milk price formulas by deleting paragraphs (b) and (c) from § 1043.51 and substituting the following:

§ 1043.51 Class prices.

* * * * *

(b) *Class II milk.* The Class II milk price shall be computed by adding 30 cents to the butter-nonfat dry milk solids formula price as described in present § 1043.51(b)(2).

* * * * *

(b) *Class III milk.* The Class III milk price shall be the butter-nonfat dry milk solids formula price as described in present § 1043.51(b)(2).

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2 Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Mr. George Irvine, 3031 Parsons Road, Traverse City, Mich. 49684, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on July 19, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8511; Filed, July 21, 1967; 8:47 a.m.]

[7 CFR Parts 1090, 1101]

[Docket Nos. AO-266-A9, AO-195-A16]

MILK IN CHATTANOOGA AND KNOXVILLE, TENN., MARKETING AREAS

Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Knoxville, Tenn., on May 24, 1967, pursuant to notice thereof issued on May 5, 1967 (32 F.R. 7133).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on June 30, 1967 (32 F.R. 9977; F.R. Doc. 67-7848) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision (32 F.R. 9977; F.R. Doc. 67-7848) are hereby approved and adopted and are set forth in full herein:

The material issues on the record of the hearing relate to:

1. The Class II price, and
2. Date for announcing class prices.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The Class II price.* The Class II price under the Chattanooga and Knoxville orders should be established at the level of the basic formula price for the month. For the year ending April 30, 1967, this would have resulted in an average Class II price of $4.06. In the same 12 months, the actual Chattanooga and Knoxville Class II prices averaged $3.59 and $3.54, respectively.

The basic formula price for the Chattanooga and Knoxville orders is the average price per hundredweight paid for manufacturing grade milk in Minnesota and Wisconsin as reported by the U.S. Department of Agriculture, adjusted to a 3.5 percent butterfat test. This price series, which is used as a basis for determining Class I prices in most Federal orders, has also gained wide acceptance in the various orders as a formula for pricing milk used for manufacturing purposes.

The Class II price in the Knoxville order is now the average reported basic paying price at nine Tennessee milk manufacturing plants plus 10 cents in the months of February–August and 25 cents September–January. Such price, however, may not exceed the higher of (1) a formula based on the market prices of butter and nonfat dry milk or (2) a formula based on the market prices for butter and cheddar cheese. The average pay price of the nine Tennessee manufacturing plants adjusted by the fixed differentials has been consistently less than the two alternative prices. At no time in recent years has either of the two alternative prices been the effective Class II price.

The Chattanooga Class II price for February through August is the average reported basic paying prices of four local manufacturing plants. For other months, the Class II price is the higher of either the average paying price at such plants or a formula price based on market prices of butter and nonfat dry milk. The formula price generally has been the applicable Class II price in the September–January periods. For the year ending April 30, 1967, this formula price averaged $3.86; 20 cents less than the average Minnesota-Wisconsin price for the same 12-month period.

Under both the Chattanooga and Knoxville orders, the monthly Class II prices have been consistently below the Class II price that would have been obtained by using the Minnesota-Wisconsin price series as herein proposed.

The basic prices reported by local manufacturing plants are no longer appropriate for determining Class II prices under the two orders. The prices actually paid dairy farmers for milk delivered to these manufacturing plants are significantly more than the basic price quotations for such plants that are used in determining the orders' Class II prices. These basic price quotations do not include premiums for such things as volume, concrete floors, cooling, quality, bulk tank and hauling, some or all of which are paid to their patrons. Also, the formula prices now used in determining the Chattanooga and Knoxville Class II prices do not reflect the value of Class II milk in these markets under current conditions.

The major producer associations in the Knoxville and Chattanooga markets have for some time been disposing of their Class II milk, both to regulated and

unregulated plants, at substantially more than the order Class II price. Such sales to local manufacturing plants have been at prices 50 to 70 cents above the Class II prices applicable under these orders. Also, since last September sales to regulated handlers of Class II milk in these markets have been negotiated at the level of the Minnesota-Wisconsin price series. On the other hand, however, the handlers receiving milk from producers unaffiliated with the cooperatives are required to settle with the pool only on the basis of the relatively low Class II prices that are now provided under the two orders.

The Class II price recommended herein is representative of the value of milk used for manufacturing purposes in the Chattanooga and Knoxville markets and will result in more equitable returns to producers for Class II milk. This formula is used for the same purpose in 44 other Federal orders. Utilizing it in the Chattanooga and Knoxville orders will return to producers a value for their milk consistent with the value of milk used in the manufacture of similar products in other markets. There was no opposition to the proposal for basing the Class II price on the Minnesota-Wisconsin price series.

Information on the prices paid at manufacturing plants in Wisconsin is assembled by the State-Federal Crop Reporting Service. A large number of manufacturing plants are included in the monthly sample on which average prices and butterfat content information is based. Plant operators report the total pounds of manufacturing grade milk received from farmers, the total butterfat content, and total dollars paid to dairy farmers for such milk, f.o.b. plant. Similar information is assembled for Minnesota manufacturing plants. These prices are available on a current month basis and are announced on or about the 5th day of the following month.

The Minnesota-Wisconsin price series for manufacturing grade milk reflects price information in each of the two States weighted by the proportionate amount of manufacturing milk produced in each State. The series is based upon a large sample of plants located in the remaining large production area of manufacturing grade milk in the United States. Competition for this milk is strong in both States. Consequently, no firm or group of firms can have a significant influence upon the level of prices.

The present Class II butterfat differential in the Chattanooga and Knoxville orders for adjusting the price for milk containing more or less than 3.5 percent butterfat should be retained. It is arrived at for each one-tenth percent of butterfat by multiplying the monthly average wholesale selling price per pound of 92-score butter at Chicago by 11.5 percent. Producers maintain that this differential has been satisfactory in the past and would be suitable in connection with the adoption of the Class II price herein proposed. Moreover, this differential is the same as that applied to Class II prices under many other Federal orders, including the order for the nearby Nashville market.

Both orders also provide that the Class II butterfat differential shall not exceed the result obtained by dividing by 40 the price on a 4 percent butterfat basis of each of the average reported paying prices or formula prices now used in determining the Class II price. It would be impractical to retain in the order these reported pay prices and formula prices solely for the purpose of computing this proviso, especially since it has never been effective in establishing a Class II butterfat differential in the orders. Moreover, there is no indication that it would have any different effect in the future. Accordingly, the producer proposal that it be removed from the orders should be adopted.

2. *Date for announcing class prices.* The Chattanooga and Knoxville Class I prices and butterfat differentials for the month should be announced by the market administrator not later than the 6th day of the month.

Both orders now provide for announcing the Class I price and butterfat differential by the 10th day of the month. The proposed earlier announcement date would be helpful to the industry by providing it with information concerning what the precise Class I price for the month would be at the earliest practicable date. Also, changing the Class I price announcement date from the 10th to the 6th day of the month will align the announcement dates in these orders with those provided in the great majority of the Federal milk orders and in all the nearby orders.

In determining the supply-demand adjustment applicable to their monthly Class I prices, the Chattanooga and Knoxville orders now use the producer milk deliveries and Class I sales data for the first and second preceding months. Since such data for the first preceding month would not be available by the proposed earlier announcement date (handler reports are not due until the 6th), it is necessary that the supply-sales data used in computing the supply-demand adjustment be those for the second and third preceding months. This requires that each 2-month utilization period and corresponding standard utilization percentages now used in computing the Class I price for a particular month be used instead for determining the following month's price. Thus, a price adjustment determined under the present provisions for a certain month would apply under the proposed change one month later. The level of adjustments on an annual basis, however, would not be affected by this change in the supply-demand provisions.

The Chattanooga order provides that the market administrator announce the Class II price and butterfat differential by the 10th day of the following month. Since the information for computing the Class II price will now be available on or about the 5th day of the month, it is practicable and desirable that it be announced by the 6th, the same date by which most orders, including Knoxville, announce their Class II prices. This change, which was proposed by producers, should be adopted.

Rulings on proposed findings and conclusions. No briefs or proposed findings and conclusions were filed on behalf of interested parties.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

Rulings on exceptions. No exceptions to the recommended decision were filed on behalf of interested parties.

Marketing agreements and orders. Annexed hereto and made a part hereof are four documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Chattanooga Marketing Area," "Order Amending the Order Regulating the Handling of Milk in the Chattanooga Marketing Area," "Marketing Agreement Regulating the Handling of Milk in the Knoxville Marketing Area," and "Order Amending the Order Regulating the Handling of Milk in the Knoxville Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached orders which will be published with this decision.

Determination of representative period. The month of May 1967 is hereby determined to be the representative period for the purpose of ascertaining

whether the issuance of the attached orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the Chattanooga and Knoxville marketing areas, is approved or favored by producers, as defined under the terms of the orders as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on July 18, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Chattanooga Marketing Area

§ 1090.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chattanooga marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chattanooga marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 30, 1967, and published in the FEDERAL REGISTER on July 7, 1967 (32 F.R. 9977; F.R. Doc. 67-7848), shall be and are the terms and provisions of this order and are set forth in full herein:

1. In § 1090.27(k), subparagraph (1) is revised to read as follows:

§ 1090.27 Duties.

* * * * *

(k) * * *

(1) The 6th day of each month, the Class I price and Class I butterfat differential, both for the current month; and the Class II price and Class II butterfat differential, both for the preceding month, and

* * * * *

2. Section 1090.51 is revised to read as follows:

§ 1090.51 Class prices.

Subject to the provisions of §§ 1090.52 and 1090.53, the minimum prices per hundredweight of milk containing 3.5 percent butterfat, to be paid by each handler for milk received at his pool plant from producers during the month, shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.75, and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the standard utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided,* That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk (excluding the skim milk and butterfat in fluid milk products received during the month in the same product and same package from a plant fully regulated pursuant to Order No. 101 (Part 1101 of this chapter) regulating the handling of milk in the Knoxville marketing area) disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a net utilization percentage by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the standard utilization range in the following table:

Month for which price applies	Months for which utilization is computed	Standard utilization range	
		Minimum	Maximum
January	October-November	114	118
February	November-December	117	121
March	December-January	117	121
April	January-February	117	121
May	February-March	119	123
June	March-April	124	128
July	April-May	134	138
August	May-June	134	138
September	June-July	128	132
October	July-August	115	119
November	August-September	110	114
December	September-October	114	118

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

3. Section 1090.52(b) is revised to read as follows:

§ 1090.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115.

Order[1] Amending the Order Regulating the Handling of Milk in the Knoxville Marketing Area

§ 1101.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Knoxville marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Knoxville marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on June 30, 1967, and published in the FEDERAL REGISTER on July 7, 1967 (32 F.R. 9977; F.R. Doc. 67-7848), shall be and are the terms and provisions of this order and are set forth in full herein:

1. In § 1101.22(j), subparagraph (1) is revised to read as follows:

§ 1101.22 Duties.

* * * * *

(j) * * *

(1) The 6th day of each month, the Class I price and the Class I butterfat differential, both for the current month;

* * * * *

2. Section 1101.51 is revised to read as follows:

§ 1101.51 Class prices.

Subject to the provisions of §§ 1101.52 and 1101.53, each handler shall pay producers, at the time and in the manner set forth in §§ 1101.80 through 1101.86, not less than the prices per hundredweight computed as follows for the respective quantities of Class I milk and Class II milk computed pursuant to § 1101.46:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.50, and plus 20 cents through April 1968;

(2) Add if the utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than, the base utilization range, an amount determined by multiplying the net utilization percentage calculated pursuant to subparagraph (4) of this paragraph by 2 cents: *Provided,* That any addition or subtraction shall be limited to 50 cents per hundredweight;

(3) Calculate a utilization percentage for each month by dividing the net hundredweight of Class I milk disposed of from all pool plants for the second and third preceding months into the total hundredweight of producer milk for the same months, multiplying by 100, and rounding the resultant figure to the nearest whole number;

(4) Calculate a "net utilization percentage" by determining the amount by which the utilization percentage calculated pursuant to subparagraph (3) of this paragraph exceeds the higher figure or is less than the lower figure of the base utilization range in the following table:

Pricing month	Second and third preceding months	Base utilization range
January	October-November	114-118
February	November-December	114-118
March	December-January	114-118
April	January-February	114-118
May	February-March	115-119
June	March-April	124-128
July	April-May	131-135
August	May-June	130-134
September	June-July	124-128
October	July-August	116-120
November	August-September	112-116
December	September-October	110-114

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

3. Section 1101.52(b) is revised to read as follows:

§ 1101.52 Butterfat differentials to handlers.

* * * * *

(b) *Class II milk.* Multiply the average price per pound of butter for the month as described in § 1101.50 by 0.115.

[F.R. Doc. 67-8495; Filed, July 21, 1967; 8:46 a.m.]

[7 CFR Part 1050]

MILK IN CENTRAL ILLINOIS MARKETING AREA

Notice of Proposed Suspension of a Certain Provision of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Central Illinois marketing area is being considered for the months of July and August 1967.

The provision proposed to be suspended is in § 1050.14(b)(2) and reads as follows, "during the months of May and June and in any month for not more than 8 days of production of producer milk by such producer", relating to diversion of producer milk to nonpool plants.

This suspension action was requested by a handler regulated under the order. It is contended that abnormal seasonal increase in production requires removal of the diversion limit for the July and August period this year if many producers regularly associated with the market are to maintain producer status. This suspension is requested to allow the movement of such producers' milk direct from their farms to nonpool manufacturing plants.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 3 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Signed at Washington, D.C., on July 20, 1967.

CLARENCE H. GIRARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 67-8573; Filed, July 21, 1967; 8:48 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 91]

[Docket No. 8166; Notice No. 67-21]

PROVISION OF CONTROLLED VISUAL FLIGHT IN POSITIVE CONTROL AREAS

Extension of Comment Period

On May 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 7220) and circulated as notice No. 67-21, stating that the Federal Aviation Administration is considering a proposal to permit the implementation of Controlled Visual Flight (CVF) operations within the positive control areas to be designated in accordance with Airspace Docket No. 67-WA-16.

The Air Transport Association has requested an extension to the comment period, stating that certain important details of the proposal have been brought to their attention that require a recirculation and reexamination by its membership. Since the potential effect this proposal may have on aviation is substantial, good cause exists to extend the comment period to insure that all interested parties have an opportunity to submit their comments in full. Therefore, the time period for the submission of comments on notice No. 67-21 is extended to July 28, 1967.

Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This extension of comment period is issued under the authority of section 307 of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued in Washington, D.C., on July 19, 1967.

H. B. HELSTROM,
Acting Director,
Air Traffic Service.

[F.R. Doc. 67-8615; Filed, July 21, 1967; 9:22 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[23 CFR Part 255]

[Docket No. 18; Notice No. 67-4]

INITIAL FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Notice of Proposed Rule Making

The National Highway Safety Bureau is considering amending § 255.21 of Part 255, Initial Federal Motor Vehicle Safety Standards, by adding Standard No. 109, New Pneumatic Tires—Passenger Cars; and Standard No. 110, Tire Selection and Rims—Passenger Cars.

In drafting these proposed standards, the Bureau considered the comments received in response to the Advance Notice of Proposed Rule Making published in the FEDERAL REGISTER on February 3, 1967 (32 F.R. 2417) and consultation with the National Motor Vehicle Safety Advisory Council and with representatives of the Federal Trade Commission, the General Services Administration, the National Bureau of Standards, and tire and auto industry associations, both domestic and foreign.

Proposed Standard No. 109 applies to new tires for use on passenger cars manufactured after 1948, since the Bureau determined it to be impractical and unreasonable to regulate tires for use on cars manufactured before the date that marked the change to tire sizes still being used today as original equipment. The proposed standard does not reflect the current usage of "ply rating," for which there is no accepted definition, nor any similar system, but uses instead maximum permissible inflation pressure, which is related to the test loads. The labeling requirements satisfy the requirements of section 201 of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 718) and also the Tire Advertising and Labeling Guides of the Federal Trade Commission. The testing procedure reflects the approach used in Society of Automotive Engineers Recommended Practice J918b, "Passenger Car Tire Performance Requirements and Test Procedures", December 1966, with load values compatible to both 1967 Tire and Rim Association and European Tire and Rim Technical Organization values. Specific prohibition against modification of tires, such as changing a blackwall tire into a whitewall tire, was not included, since a modified tire will have to meet all the requirements of the standard.

Proposed Standard No. 110 applies to passenger cars manufactured after the effective date and requires that the tires may not be loaded in excess of those load values actually tested. Requirements, which would have specified the top speed of a fully loaded tire and prohibited the intermixing on original equipment of tires with different performance characteristics, were not included. These will be the subject of future rule making related to the grading of tires.

Interested persons are invited to participate in the making of the standards by submitting such written data, views, or arguments as they may desire. Comments must identify the docket number and the notice number and be submitted in 10 copies to the National Highway Safety Bureau, Attention: Rules Docket, Room 405, Federal Highway Administration, U.S. Department of Transportation, Washington, D.C. 20591. All comments received on or before the close of business August 22, 1967, will be considered by the Secretary before taking action upon the proposed standards. The proposals contained in this notice may be changed if warranted by comments received. All comments will be available in the Rules Docket for examination by interested persons both before and after the closing date for comments.

In consideration of the foregoing, it is proposed to amend section 255.21 of Part 255, Initial Federal Motor Vehicle Safety Standards, by adding the standards set forth below, to become effective January 1, 1968.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority of March 31, 1967 (32 F.R. 5606), as amended April 6, 1967 (32 F.R. 6495).

Issued in Washington, D.C. on July 17, 1967.

LOWELL K. BRIDWELL,
Federal Highway Administrator.

MOTOR VEHICLE SAFETY STANDARD NO. 109

NEW PNEUMATIC TIRES—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies minimum tire dimensions and laboratory test requirements for bead unseating resistance, strength, endurance, and high-speed performance; defines tire load ratings; and specifies labeling requirements.

S2. *Application.* This standard applies to new pneumatic tires for use on passenger cars manufactured after 1948.

S3. *Definitions.*

"Bead" means that part of the tire made of high-tensile steel wires, wrapped and reinforced by the plies, that is shaped to fit the rim.

"Bead separation" means a breakdown of bond between components in the bead area.

"Bias ply tire" means a pneumatic tire in which the cords in the tire body are laid at alternate angles substantially less than 90° to the centerline of the tread.

"Carcass" means the tire structure, except tread and sidewall rubber.

"Chunking" means the breaking away of pieces of the tread.

"Cord" means the strands forming the plies in the tire.

"Cord separation" means cords parting away from adjacent rubber compounds.

"Groove" means the space between two adjacent tread ribs.

"Load rating" means the maximum load a tire is rated to carry for a given inflation pressure.

"Maximum permissible inflation pressure" means the maximum cold inflation pressure to which a tire may be inflated.

"Maximum load rating" means the load rating at the maximum permissible inflation pressure for that tire.

"Measuring rim" means a rim for a particular tire size designation of the dimensions specified either in the 1967 Tire and Rim Association Year Book, pages PC-10-F or PC-10-H of its Engineering Supplement dated October 28, 1966, or the 1967 Tire and Rim Association Data Book, for the applicable width specified in Table I.

"Ply" means a layer of rubber-coated parallel cords forming tire body.

"Ply separation" means a parting of rubber compound between adjacent plies.

"Pneumatic tire" means a mechanical device made of rubber, chemicals, fabric, and steel or other materials, which, when mounted on an automotive wheel, provides the traction and contains the fluid that sustains the load.

"Radial ply tire" means a pneumatic tire in which the body ply cords which extend to the bead are laid at substantially 90° to the centerline of the tread.

"Rim" means a metal support for a tire or a tire and tube assembly upon which the tire beads are seated.

"Section width" means the linear distance between the exteriors of the sidewalls of an inflated tire, excluding elevations due to labeling, decoration, or protective bands.

"Sidewall" means that portion of a tire between the tread and the bead.

"Size factor" means the sum of the section width (on its measuring rim) and the outer diameter of a tire.

"Tread" means that portion of a tire that comes into contact with the road.

"Tread rib" means a tread section running circumferentially around a tire.

"Tread separation" means pulling away of the tread from the tire carcass.

S4. *Requirements.*

S4.1 *Design and construction.* Each tire shall be designed to fit each rim specified for its size designation in the 1967 Tire and Rim Association Year Book, pages PC-10-F and PC-10-H of its Engineering Supplement dated October 28, 1966, and the 1967 Tire and Rim Association Data Book.

S4.2 *Performance Requirements.*

S4.2.1 *General.* Each tire shall conform to each of the following:

(a) It shall meet the requirements specified in S4.2.2 for its tire size designation, type, and maximum permissible inflation pressure.

(b) Its maximum permissible inflation pressure shall be either 32, 36, or 40 psi.

(c) Its maximum load rating shall not exceed that specified in Table II of Motor

Vehicle Safety Standard No. 110 for the applicable maximum permissible inflation pressure for its tire size designation and type.

(d) If manufactured after June 30, 1968, it shall incorporate a tread wear indicator that will provide a visual indication that the tire has worn to a tread depth of 1/16 inch.

S4.2.2 *Test requirements.*

S4.2.2.1 *Test sample.* For each test sample use—

(a) One tire for physical dimensions, resistance to bead unseating, and strength, in sequence;

(b) Another tire for tire endurance; and

(c) A third tire for high-speed performance.

S4.2.2.2 *Physical dimensions.* Each tire, when mounted on its measuring rim, shall conform to the applicable minimum size factor, and maximum section width dimensions specified in Table I. These dimensions shall be determined in accordance with S5.1.

S4.2.2.3 *Tubeless tire resistance to bead unseating.* When tested in accordance with S5.2, the applied force required to unseat the tire bead at the point of contact shall not be less than 2,500 pounds for tire sizes listed in Tables I–A, I–B, and I–C, and not less than 2,000 pounds for tire sizes listed in Table I–D.

S4.2.2.4 *Tire strength.* Each tire shall meet the requirements for minimum breaking energy specified in Table II when tested in accordance with S5.3.

S4.2.2.5 *Tire endurance.* After completion of the laboratory test wheel endurance test specified in S5.4, no tire shall have tread, ply, cord, or bead separation; tread chunking; or broken cords.

S4.2.2.6 *High-speed performance.* After completion of the laboratory high-speed performance test specified in S5.5, no tire shall have tread, ply, cord, or bead separation; tread chunking; or broken cords.

S4.3 *Labeling requirements.* Except as provided in S4.3.1, after January 1, 1968, each tire shall be conspicuously labeled on both sidewalls with each of the following permanently molded into the tire:

(a) Size designation.

(b) Maximum permissible inflation pressure.

(c) Maximum load rating.

(d) Identification of manufacturer by—

(1) Name; or

(2) Brand name and an approved code mark.

(e) Composition of the material used in the ply cord.

(f) Actual number of plies in the sidewall area, and the actual number of plies in the tread area, if different.

(g) The word "tubeless" or "tube-type", as applicable.

(h) The word "radial", if a radial ply tire

(i) An approved recital or an approved symbol that the tire conforms to applicable Federal Motor Vehicle Safety Standards.

S4.3.1 Until July 1, 1968, the labeling requirements of S4.3 may be met with a permanent label on each sidewall that incorporates all specified information not permanently molded into the tire:

S5. *Test procedures.*

S5.1 *Physical dimensions.* Determine tire physical dimensions under uniform ambient conditions as follows:

(a) Mount the tire on its measuring rim and inflate it to the applicable pressure specified in Table III.

(b) Condition it at ambient room temperature for at least 24 hours.

(c) Readjust pressure to that specified in (a).

(d) Caliper the tire section width at 6 points approximately equally spaced around the tire circumference.

(e) Record as section width the average of the 6 measurements taken in accordance with (d).

(f) Calculate the tire outer diameter by measuring the outer circumference of the tire at the center of the tread and dividing this dimension by *pi*.

S5.2 *Tubeless tire bead unseating resistance.*

S5.2.1 *Preparation of tire-wheel assembly.*

S5.2.1.1 Wash the tire, dry it at the two beads, and mount it without lubrication on a clean, painted measuring rim.

S5.2.1.2 Inflate it to the applicable pressure specified in Table III at ambient room temperature.

S5.2.1.3 Mount the wheel and tire in the fixture shown in Figure 1, and force the standard block shown in Figure 2 against the tire sidewall as required by the geometry of the fixture.

S5.2.2 *Test procedure.*

S5.2.2.1 Apply a load through the block to the tire sidewall at the maximum section width of the tire at a rate of 2 inches per minute, with the load arm parallel to the tire and rim assembly at the time of engagement.

S5.2.2.2 Increase the load until the bead unseats or the applicable value specified in S4.2.2.3 is reached.

S5.2.2.3 Repeat the test at least four places equally spaced around the tire circumference.

S5.3 *Tire strength.*

S5.3.1 *Preparation of tire.*

S5.3.1.1 Mount the tire on its measuring rim and inflate it to the applicable pressure specified in Table III;

S5.3.1.2 Condition it at room temperature for at least 3 hours; and

S5.3.1.3 Readjust its pressure to that specified in S5.3.1.1.

S5.3.2 *Test Procedure.*

S5.3.2.1 Force a ¾-inch-diameter cylindrical steel plunger with a hemispherical end perpendicularly into the tread rib as near to the centerline as possible, avoiding penetration into the tread groove, at the rate of 2 inches per minute.

S5.3.2.2 Record five measurements of force and penetration at five break points equally spaced around the circumference of the tire. If the tire fails to break before the plunger is stopped by reaching the rim, record the force and penetration as the rim is reached.

S5.3.2.3 Compute the breaking energy for each test point by means of the following formula:

$$W = \frac{F \times P}{2}$$

where:

W = Energy at break, inch-pounds;
F = Force at break, pounds;
P = Penetration at break, inches.

S5.3.2.4 Determine the breaking energy value for the tire by computing the average of the five values obtained in accordance with S5.3.2.3.

S5.4 *Tire endurance.*

S5.4.1 *Preparation of tire.*

S5.4.1.1 Mount a new tire on its measuring rim and inflate it to the applicable pressure specified in Table III.

S5.4.1.2 Condition it at 95° F. or more for at least 3 hours.

S5.4.1.3 Readjust tire pressure to that specified in S5.4.1.1 immediately before testing.

S5.4.2 *Test procedure.*

S5.4.2.1 Mount the tire and wheel assembly on a test axle and press it against a flat-faced steel test wheel 67.23 inches in diameter and at least as wide as the section width of the tire to be tested or an approved equivalent test wheel, with the applicable test load specified in Table II of Motor Vehicle Safety Standard No. 110 for the tire's size designation, type, and maximum permissible inflation pressure.

S5.4.2.2 During the test, the air surrounding the test area shall be 95° F. or more.

S5.4.2.3 Conduct the test at 50 miles per hour in accordance with the following schedule without interruption:

Maximum permissible inflation pressure (p.s.i.)	Load (from table II Standard 110)—		
	for 4 hours	for 6 hours	for 24 hours
32	24 p.s.i. column.	28 p.s.i. column.	32 p.s.i. column.
36	28 p.s.i. column.	32 p.s.i. column.	36 p.s.i. column.
40	32 p.s.i. column.	36 p.s.i. column.	40 p.s.i. column.

S5.5 *High-speed performance.*

S5.5.1 After preparing the tire in accordance with S5.4.1, mount the tire and wheel assembly in accordance with S5.4.2.1, and press it against the test wheel with the load specified in Table II of Motor Vehicle Safety Standard No. 110 for the tire's size designation and the applicable pressure specified in Column B of the following table:

A *Maximum permissible inflation pressure (p.s.i.)*	*B* *Load from Table II Standard 110*
32	24 p.s.i. column.
36	28 p.s.i. column.
40	32 p.s.i. column.

S5.5.2 Break in the tire by running it for 2 hours at 50 m.p.h.

S5.5.3 Allow it to cool to 100° F., and readjust the inflation pressure to the applicable pressure specified in Table III.

S5.5.4 Without readjusting inflation pressure, test at 75 m.p.h. for 30 minutes, 80 m.p.h. for 30 minutes, and (except deep-tread, winter-type tires) 85 m.p.h. for 30 minutes.

TABLE I.—RIMS, MAXIMUM SECTION WIDTHS, AND MINIMUM SIZE FACTORS

TABLE I-A—FOR CONVENTIONAL AND LOW SECTION HEIGHT TIRES

Tire size designation	Measuring rim, inches	Minimum size factor, inches	Maximum section width, inches
6.00-13	4	29.37	6.00
6.50-13	4½	30.75	6.60
7.00-13	5	31.88	7.10
6.00-14	4	30.64	6.10
6.50-14	4½	31.75	6.60
7.00-14	5	32.88	7.10
7.50-14	5½	34.19	7.65
8.00-14	6	35.17	8.10
8.50-14	6	35.91	8.35
9.00-14	6½	36.91	8.80
9.50-14	6½	37.74	9.05
6.00-15	4	31.64	6.10
6.50-15	4½	32.75	6.60
6.70-15	4½	33.95	7.00
7.10-15	5	34.89	7.40
7.60-15	5½	36.05	7.90
8.00-15	6	36.84	8.30
8.20-15	6	37.50	8.50
8.90-15	6½	39.54	9.30
6.45-14	4½	30.92	6.60
6.95-14	5	31.96	7.00
7.35-14	5	32.92	7.30
7.75-14	5½	34.09	7.75
8.25-14	6	35.11	8.20
8.55-14	6	36.06	8.50
8.85-14	6½	36.82	8.95
6.85-15	5	32.48	6.90
7.35-15	5½	33.86	7.50
7.75-15	5½	34.53	7.65
8.15-15	6	35.50	8.15
8.45-15	6	36.37	8.35
8.85-15	6½	37.29	8.80
9.15-15	6½	37.92	9.05
9.00-15	6	37.45	8.50

TABLE I-B—FOR "70 SERIES" TIRES

D70-14	5½	32.87	7.85
E70-14	5½	33.45	8.05
F70-14	5½	34.18	8.30
G70-14	6	35.14	8.75
H70-14	6	36.19	9.10
J70-14	6½	36.91	9.50
E70-15	6	34.17	8.10
F70-15	6	34.91	8.35
G70-15	6	35.68	8.60
H70-15	6	36.68	8.95
J70-15	6½	37.34	9.35
K70-15	6½	37.62	9.40
L70-15	6½	38.09	9.60

TABLE I-C—FOR TYPE A RADIAL TIRES

165R13	4½	29.18	6.40
175R13	4½	30.30	6.75
185R13	5	31.42	7.25
195R13	5½	32.38	7.70
155R14	4	29.51	6.05
165R14	4½	30.65	6.55
175R14	5	31.63	7.00
185R14	5	32.59	7.30
195R14	5½	33.69	7.80
205R14	6	34.82	8.80
215R14	6	35.79	8.60
225R14	6½	36.44	8.95
165R15	4½	31.18	6.40
175R15	5	32.30	6.90
185R15	5½	33.58	7.45
195R15	5½	34.22	7.65
205R15	6	35.20	8.10
215R15	6	36.00	8.35
225R15	6½	36.94	8.80
235R15	6½	37.75	9.05

TABLE I-D—FOR OTHER TIRES

"Super Balloon" sizes:			
5.20-10	3.50	24.84	5.20
5.20-12	3.50	26.79	5.20
5.60-12	4.00	27.83	5.71
5.20-13	3.50	27.72	5.20
5.60-13	4.00	28.92	5.71
5.90-13	4.00	29.74	5.91

TABLE I-D—FOR OTHER TIRES—Continued

Tire size designation	Measuring rim, inches	Minimum size factor, inches	Maximum section width, inches
"Super Balloon" sizes—Continued			
6.40-13	4.50	31.26	6.42
6.70-13	4.50	32.14	6.69
5.20-14	3.50	28.89	5.20
5.60-14	4.00	29.94	5.71
5.90-14	4.00	30.76	5.91
6.40-14	4.50	32.19	6.42
5.20-15	3.50	29.75	5.20
5.60-15	4.00	30.87	5.71
5.90-15	4.00	31.77	5.91
"Low Section" sizes:			
5.00-12	3.50	25.62	5.04
5.50-12	4.00	26.93	5.59
6.00-12	4.50	28.33	6.14
5.00-13	3.50	26.64	5.04
5.50-13	4.00	27.95	5.59
7.25-13	5.00	32.51	7.24
7.50-13	5.50	33.22	7.48
5.50-15L	4.00	29.97	5.59
6.00-15L	4.50	31.29	6.14
6.50-15L	4.50	32.08	6.54
7.00-15L	5.00	33.85	7.01
"Super Low Section" sizes:			
145-10/5.95-10	4.00	24.76	5.79
125-12/5.35-12	3.50	24.68	5.00
135-12/5.65-12	4.00	25.53	5.39
145-12/5.95-12	4.00	26.69	5.79
155-12/6.15-12	4.50	27.36	6.18
135-13/5.65-13	4.00	26.53	5.39
145-13/5.95-13	4.00	27.61	5.79
155-13/6.15-13	4.50	28.44	6.18
165-13/6.45-13	4.50	29.52	6.57
175-13/6.95-13	5.00	30.34	7.01
185-13/7.35-13	5.50	31.43	7.40
135-14/5.65-14	4.00	27.54	5.39
145-14/5.95-14	4.00	28.54	5.79
155-14/6.15-14	4.50	29.45	6.18
125-15/5.35-15	3.50	27.09	5.00
135-15/5.65-15	4.00	28.53	5.39
145-15/5.95-15	4.00	29.54	5.79
155-15/6.35-15	4.50	30.45	6.18
175-15/7.15-15	5.00	32.42	7.01
235-15	6.50	38.26	9.32

TABLE II—MINIMUM BREAKING ENERGY VALUES (INCH-POUNDS)

TABLE II-A—FOR BIAS PLY TIRES

With Size Designation of 6.00 Inches (or 155 Minimum) and Above and 70 Series Tires

Cord material	Maximum permissible pressure rating (inch-pounds)		
	32 p.s.i.	36 p.s.i.	40 p.s.i.
Rayon	1,650	2,475	3,300
Nylon or polyester	2,600	3,900	5,200

TABLE II-B—FOR BIAS PLY TIRES

With Size Designation Below 6.00 Inches (or 155 Minimum)

Cord material	Maximum permissible pressure rating (inch-pounds)		
	32 p.s.i.	36 p.s.i.	40 p.s.i.
Rayon	1,250	1,875	2,500
Nylon or polyester	1,950	2,925	3,900

TABLE II-C—FOR RADIAL TIRES

Size designation	Maximum permissible pressure rating (inch-pounds)		
	32 p.s.i.	36 p.s.i.	40 p.s.i.
Below 160	1,950	2,925	2,900
160 or above	2,600	3,900	5,200

TABLE III

INFLATION PRESSURES

Maximum permissible inflation pressure (in p.s.i.)	32	36	40
Pressure (in p.s.i.) to be used in tests for physical dimensions, bead unseating, tire strength, and tire endurance	24	28	32
Pressure (in p.s.i.) to be used in test for high-speed performance	30	34	38

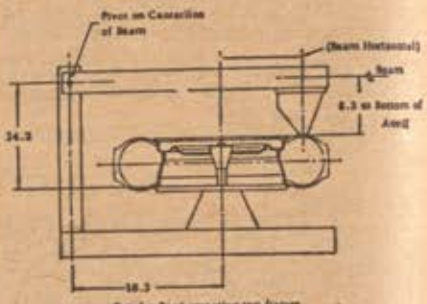
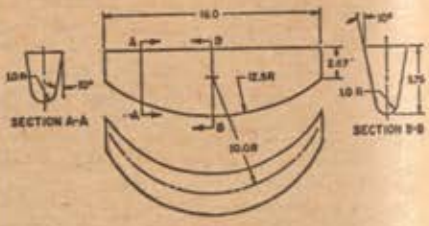


Fig. 1 - Bead unseating test fixture
(Dimensions in inches)



MATERIAL: Cast Aluminum #355
T-6 Condition
Finish - 50 Micro Inch

Fig. 2 - Block diagram
(Dimensions in inches)

MOTOR VEHICLE SAFETY STANDARD NO. 110

TIRE SELECTION AND RIMS—PASSENGER CARS

S1. *Purpose and scope.* This standard specifies requirements for tire selection to prevent tire overloading when the vehicle is operated at the designed maximum passenger and luggage carrying capacity.

S2. *Application.* This standard applies to passenger cars.

S3. *Definitions.*

"Accessory weight" means the combined weight (in excess of those standard items which may be replaced) of automatic transmission, power steering, power brakes, power windows, power seats, radio, and heater, to the extent these items are available as factory-installed equipment (whether installed or not).

"Bias ply tire" means a pneumatic tire in which the cords in the tire body are laid at alternate angles substantially less than 90° to the centerline of the tread.

"Curb weight" means the weight of a motor vehicle with standard equipment including the maximum capacity of fuel,

oil, and coolant, and, if so equipped, air conditioning and additional weight optional engine.

"Designated seating capacity" means the number of designated seating positions provided.

"Designated seating position" means any plan view lateral position intended by the manufacturer to provide seating accommodation for a person at least as large as a 5th percentile adult female, except auxiliary seating accommodations such as temporary or folding jump seats.

"Maximum loaded vehicle weight" means the sum of—

(a) Curb weight;

(b) Accessory weight;

(c) Vehicle capacity weight; and

(d) Production options weight.

"Normal occupant weight" means 150 pounds, times the number of occupants specified in the second column of Table I.

"Occupant distribution" means distribution of occupants in a vehicle as specified in the third column of Table I.

"Production options weight" means the combined weight (in excess of those standard items which may be replaced) of installed regular production options weighing over 5 pounds, not previously considered, including heavy duty brakes, ride levelers, roof rack, heavy duty battery, and special trim.

"Radial ply tire" means a pneumatic tire in which the body ply cords which extend to the bead are laid at substantially 90° to the centerline of the tread.

"Vehicle capacity weight" means the manufacturer's rated cargo and luggage load, plus 150 pounds, times the vehicle's designated seating capacity.

"Vehicle maximum load on the tire" means that load on an individual tire that is determined by distributing to each axle its share of the maximum loaded vehicle weight and dividing by two.

"Vehicle normal load on the tire" means that load on an individual tire that is determined by distributing to each axle its share of the curb weight, accessory weight, and normal occupant weight (distributed in accordance with Table I), and dividing by two.

S4. *Requirements.*

S4.1 *General.* Passenger cars shall be equipped with tires that meet the requirements of Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires—Passenger Cars."

S4.2 *Tire load limits.*

S4.2.1 The vehicle maximum load on the tire shall not be greater than the applicable load rating specified in Table II for the tire's size designation, type, and maximum permissible inflation pressure.

S4.2.2 The vehicle normal load on the tire shall not be greater than the test load used in the high-speed performance test specified in S5.5 of Motor Vehicle Safety Standard No. 109 for that tire.

S4.3 *Placard.*. A placard, permanently affixed to the glove compartment door or an equally accessible location, shall display the—

(a) Vehicle capacity weight;

(b) Designated seating capacity (expressed in terms of total number of occupants and in terms of occupants for each seat location);

(c) Vehicle manufacturer's recommended tire inflation pressure for maximum loaded vehicle weight and, subject to the limitations of S4.3.1, for any other manufacturer—specified vehicle loading condition; and

(d) Vehicle manufacturer's recommended tire size designation.

S4.3.1 No inflation pressure other than the maximum permissible inflation pressure may be specified unless—

(a) It is less than the maximum permissible inflation pressure;

(b) The vehicle loading condition for that pressure is specified; and

(c) The tire load rating from Table II for the tire at that pressure is not less than the vehicle load on the tire for that vehicle loading condition.

S4.4 *Rims.* Each rim shall—

(a) Be constructed to the dimensions of one of the rims specified in the 1967 Year Book of the Tire and Rim Association, Inc., 34 N. Hawkins Avenue, Akron, Ohio 44313, or in pages PC–10–F or PC–10–H of the Engineering Supplement dated October 28, 1966 of the 1967 Tire and Rim Association Year Book for the applicable tire's size designation; and

(b) In the event of rapid loss of inflation pressure with the vehicle traveling in a straight line at a speed of 60 miles per hour, retain the deflated tire until the vehicle can be stopped with a controlled braking application.

TABLE I

OCCUPANT LOADING AND DISTRIBUTION FOR VEHICLE NORMAL LOAD FOR VARIOUS DESIGNATED SEATING CAPACITIES

Designated seating capacity, number of occupants	Vehicle normal load, number of occupants	Occupant distribution in a normally loaded vehicle
2 thru 4	2	2 in front.
5 and 6	3	2 in front, 1 in 2d seat.
7 thru 10	3	2 in front, 1 in 2d seat.

TABLE II–A

MAXIMUM TIRE LOAD RATINGS FOR CONVENTIONAL AND LOW SECTION HEIGHT TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)										
	20	22	24	26	28	30	32	34	36	38	40
6.00–13	770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140
6.50–13	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300
7.00–13	980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440
6.00–14	840	900	930	980	1,020	1,060	1,100	1,130	1,170	1,210	1,240
6.50–14	930	990	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370
7.00–14	1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,520
7.50–14	1,150	1,230	1,280	1,340	1,390	1,450	1,500	1,550	1,600	1,650	1,700
8.00–14	1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830
8.50–14	1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960
9.00–14	1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100
9.50–14	1,540	1,640	1,700	1,780	1,850	1,930	2,000	2,060	2,130	2,200	2,260
6.00–15	890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300
6.50–15	980	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,360	1,400	1,440
6.70–15	1,110	1,190	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,590	1,640
7.10–15	1,190	1,270	1,320	1,380	1,440	1,500	1,550	1,600	1,660	1,710	1,760
7.60–15	1,310	1,400	1,450	1,520	1,580	1,640	1,710	1,760	1,820	1,880	1,930
8.00–15	1,380	1,470	1,530	1,600	1,670	1,730	1,800	1,860	1,920	1,980	2,040
8.20–15	1,470	1,570	1,630	1,710	1,780	1,850	1,920	1,980	2,050	2,110	2,170
8.90–15	1,700	1,810	1,880	1,970	2,050	2,130	2,210	2,290	2,360	2,430	2,500
6.45–14	860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270
6.95–14	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390
7.35–14	1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540
7.75–14	1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690
8.25–14	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830
8.55–14	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000
8.85–14	1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100
6.85–15	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390
7.35–15	1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570
7.75–15	1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690
8.15–15	1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820
8.45–15	1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970
8.85–15	1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100
9.15–15	1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,220
9.00–15	1,460	1,540	1,620	1,690	1,760	1,830	1,900	1,970	2,030	2,090	2,150

TABLE II–B

MAXIMUM TIRE LOAD RATINGS FOR "70 SERIES" TIRES

D70–14	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490
D70–14	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490
E70–14	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580
F70–14	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700
G70–14	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830
H70–14	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010
J70–14	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100
E70–15	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580
F70–15	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700
G70–15	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830
H70–15	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010
J70–15	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100
K70–15	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150
L70–15	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230

TABLE II-C

MAXIMUM TIRE LOAD RATINGS FOR TYPE A RADIAL PLY TIRES

Tire Size Designation	Maximum Tire Loads (pounds) at Various Cold Inflation Pressures (psi)						
	20	22	24	26	28	30	32
165R13	770	820	860	900	390	970	1,010
175R13	890	930	980	1,030	1,070	1,110	1,150
185R13	980	1,030	1,080	1,130	1,180	1,230	1,270
195R13	1,060	1,110	1,170	1,220	1,280	1,320	1,370
155R14	780	820	860	900	940	970	1,010
165R14	860	910	960	1,000	1,040	1,080	1,120
175R14	950	1,000	1,050	1,100	1,140	1,190	1,230
185R14	1,040	1,100	1,160	1,210	1,260	1,310	1,360
195R14	1,150	1,210	1,270	1,330	1,390	1,440	1,500
205R14	1,250	1,310	1,380	1,440	1,500	1,560	1,620
215R14	1,360	1,430	1,510	1,580	1,640	1,710	1,770
225R14	1,430	1,510	1,580	1,660	1,730	1,790	1,860
165R15	870	910	960	1,000	1,050	1,090	1,130
175R15	950	1,000	1,050	1,100	1,140	1,190	1,230
185R15	1,070	1,130	1,180	1,240	1,290	1,340	1,390
195R15	1,150	1,210	1,270	1,330	1,380	1,440	1,490
205R15	1,240	1,300	1,370	1,430	1,490	1,550	1,610
215R15	1,340	1,410	1,480	1,550	1,620	1,680	1,740
225R15	1,430	1,510	1,580	1,650	1,720	1,790	1,860
235R15	1,510	1,600	1,680	1,750	1,830	1,900	1,970

TABLE II-D

MAXIMUM TIRE LOAD RATINGS FOR OTHER TIRES

(Bias and Radial Ply Tires)

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)										
	20	22	24	26	28	30	32	34	36	38	40
"Super Ballon" sizes:											
5.20-10	440	485	530	555	575	605	625	650	670	695	715
5.20-12	495	545	595	625	655	685	710	735	760	785	810
5.60-12	575	620	670	715	760	795	825	855	885	915	940
5.20-13	540	590	640	670	710	740	765	795	820	850	875
5.60-13	620	675	725	770	810	850	880	910	945	975	1,005
5.90-13	695	755	815	860	895	935	970	1,005	1,040	1,075	1,105
6.40-13	785	845	915	945	985	1,025	1,060	1,100	1,140	1,175	1,210
6.70-13	860	935	1,000	1,045	1,090	1,135	1,175	1,220	1,260	1,305	1,340
5.20-14	595	645	695	735	785	825	855	885	915	945	975
5.60-14	660	715	770	815	855	890	920	955	990	1,020	1,050
5.90-14	730	785	850	880	925	970	1,005	1,040	1,080	1,115	1,145
6.40-14	825	890	960	1,000	1,050	1,090	1,130	1,170	1,210	1,250	1,290
5.20-15	630	685	740	780	830	870	900	935	965	1,000	1,030
5.60-15	695	755	815	860	895	935	970	1,005	1,040	1,075	1,105
5.90-15	770	825	890	935	980	1,015	1,050	1,090	1,130	1,165	1,200
"Low Section" sizes:											
5.00-12	465	505	540	565	580	605	625	650	670	695	715
5.50-12	520	560	605	635	665	695	720	745	770	800	820
6.00-12	605	655	705	735	785	815	845	875	905	935	965
5.00-13	510	545	585	610	635	660	685	710	735	755	780
5.50-13	550	595	640	670	710	740	765	795	820	850	875
7.25-13	915	990	1,070	1,110	1,160	1,200	1,245	1,290	1,335	1,380	1,420
7.50-13	970	1,040	1,120	1,180	1,225	1,270	1,315	1,365	1,410	1,460	1,500
5.50-15L	630	675	725	760	800	840	870	900	935	965	995
6.00-15L	740	800	860	890	930	970	1,005	1,040	1,080	1,115	1,145
6.50-15L	840	900	970	1,010	1,060	1,105	1,145	1,185	1,230	1,270	1,305
7.00-15L	950	1,025	1,100	1,145	1,190	1,235	1,280	1,325	1,375	1,420	1,460
"Super Low Section" sizes:											
145-10/5.95-10	475	515	550	580	605	630	650	675	700	725	745
125-12/5.35-12	420	450	485	510	535	550	570	590	610	630	650
135-12/5.65-12	465	505	540	570	590	620	640	665	690	710	730
145-12/5.95-12	550	595	640	665	700	730	755	785	810	840	865
155-12/6.15-12	605	655	705	735	775	805	835	865	895	925	950
135-13/5.65-13	520	555	595	625	655	685	710	735	760	785	810
145-13/5.95-13	585	620	670	705	745	770	800	825	855	885	910
155-13/6.15-13	640	700	750	780	820	850	880	910	945	975	1,00
165-13/6.45-13	715	770	825	865	905	935	970	1,005	1,040	1,075	1,105
175-13/6.95-13	795	845	915	955	1,005	1,045	1,085	1,120	1,160	1,200	1,235
185-13/7.35-13	870	945	1,010	1,060	1,115	1,160	1,205	1,245	1,290	1,335	1,370
135-14/5.65-14	550	595	640	665	700	730	755	785	810	840	865
145-14/5.95-14	620	665	715	750	785	815	845	875	905	935	965
155-14/6.15-14	675	730	780	825	860	895	925	960	995	1,030	1,060
125-15/5.35-15	495	535	570	600	625	650	675	700	720	745	770
135-15/5.65-15	575	610	660	690	720	750	775	805	835	860	885
145-15/5.95-15	650	710	760	790	830	860	890	925	955	985	1,015
155-15/6.35-15	730	780	835	875	915	950	985	1,020	1,055	1,090	1,125
175-15/7.15-15	880	955	1,020	1,070	1,125	1,170	1,215	1,255	1,300	1,345	1,385
235-15	1,435	1,545	1,660	1,735	1,825	1,895	1,965	2,035	2,110	2,180	2,245

[F.R. Doc. 67-8440; Filed, July 21, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Financial Qualifications

On June 13, 1967, the Atomic Energy Commission published for public comment in the FEDERAL REGISTER (32 F.R. 8423) proposed amendments to its regulation 10 CFR Part 50 pertaining to financial qualifications of applicants for and holders of licenses to construct and operate production and utilization facilities. Paragraph 3 of the amendments, which would have added an Appendix C, A Guide for the Financial Data and Related Information Required to Establish Financial Qualifications for Facility Construction and Operating Licenses, to Part 50 and Appendix C are hereby withdrawn. A revised guide will be published for public comment.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Issued at Washington, D.C., this 18th day of July 1967.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary.

[F.R. Doc. 67-8496; Filed, July 21, 1967; 8:46 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ORGANIZATION AND FUNCTIONS

The organization and functions of the Rural Electrification Administration are as follows:

Central Organization. The principal office of the Rural Electrification Administration is at Washington, D.C. The function of the Agency is the carrying out of a program of rural electrification and rural telephony, as provided for by the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–15, 921–924).

The Administrator. The Administrator is appointed by the President, with the advice and consent of the Senate, for a term of 10 years. He functions as the chief administrative official of the Agency under the general supervision and direction of the Assistant Secretary, Rural Development and Conservation. He is aided directly by a Deputy Administrator, a Deputy Administrator for Policy and Program Review and Assistant Administrators for the Electric Program, for the Telephone Program, and for Borrower Development. The work is carried on through the offices and divisions described in succeeding paragraphs.

Office of Legislative and Interagency Consultant. This office counsels and advises the Administrator as to policy, program and procedural implications of Federal and State legislation relating to the REA program. Maintains liaison with agencies of the Department of Agriculture and other Government agencies concerning such legislative matters.

Office of Budget. This office administers the administrative and loan budget program of the agency and participates in program planning and evaluation. Maintains liaison on budgetary matters with Congressional Committees, the staff of the Department of Agriculture, the Bureau of the Budget, and other Government agencies.

Office of Program Analysis. This office analyzes and evaluates economic and statistical data concerning agency programs. Provides advice and assistance to the Office of the Administrator and to divisions and area offices to facilitate sound and effective program planning and appraisal. Conducts special program studies and analyses.

Information Services Division. The division administers the information services program of the agency to provide borrowers and the public with information concerning the operations, status, progress, and accomplishments of the rural electrification, rural telephone, and rural areas development programs.

Personnel Management Division. The division administers the personnel program of the agency involving classification and wage administration; conduct of organization studies and surveys; development of recommendations for organization changes required to administer agency problems; preparation of organization charts; employment and placement functions; employee relations; training; safety; and health activities.

Program and Administrative Services Division. The division administers agency activities concerned with: administrative and loan accounting and centralized statistical activities of the Agency; the determination of the power requirements of rural electrification borrowers; management analysis, cost reduction and improvement; loan review; and the general administrative service functions of the Agency pertaining to procurement, space, records management and communications.

Electric Distribution Area Offices. The rural electrification program for electric distribution borrowers is administered through five area offices designated as: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona; and Western Area Office administering the program in the States of Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, and California. Each area office within its assigned geographic area: appraises loan applications and prepares loan recommendations; approves the advance of loan funds to borrowers; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications, and construction contracts; reviews and approves completed construction; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

Electric Operations and Standards Division. The Division administers staff activities pertaining to: The development of proposed policies, standards, and procedures concerning engineering, loans, and retail rate aspects of the rural electric distribution program; the development of standards, criteria, specifications, and technical data relating to rural electric distribution systems; advice and assistance, in the subject matter field to the Electric Distribution Area Offices and, as requested, to borrowers; liaison with Government and non-Government organizations on matters within the functional responsibility of the Division.

Power Supply Division. The rural electrification program for generation and transmission borrowers is administered through the Power Supply Division. The Division appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications and construction contracts; reviews and approves completed construction; approves advances of funds to borrowers; analyzes feasibility and benefits of generation and transmission systems; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems; and conducts studies and negotiations related to procurement of purchased power for all electric borrowers.

Telephone Area Offices. The rural telephone program is administered through five area offices designated as: Northeast Area Office administering the program in the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Ohio, Michigan, Indiana, West Virginia, Maryland, New Jersey, Virginia, and North Carolina; Southeast Area Office administering the program in the States of Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida; North Central Area Office administering the program in the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Illinois; Southwest Area Office administering the program in the States of Missouri, Arkansas, Oklahoma, Louisiana, Texas, New Mexico, and Arizona; and Western Area Office administering the program in the States of Kansas, Nebraska, Colorado, Wyoming, Montana, Utah, Idaho, Washington, Oregon, Nevada, and California. Each area office within its assigned geographic area: appraises loan applications and prepares loan recommendations; reviews the financial and operating performance of borrowers; analyzes engineering plans, specifications, and construction contracts; reviews and approves completed construction; approves advance of funds to borrowers; provides advice and assistance to borrowers concerning loans and the design, construction, management, operation, and maintenance of systems.

Telephone Engineering and Operations Division. The Division administers staff activities pertaining to the development of proposed policies, standards and procedures concerning engineering, loans and technical operations aspects of the rural telephone program. This includes

studies and analyses regarding rates, toll traffic agreements, and valuation and acquisition of facilities; solutions concerning the engineering problems of existing telephone systems; the review of telephone system cost estimates and the engineering requirements of loan applications. Provides advice and assistance to the area offices and, as requested, to borrowers concerning the above activities.

Telephone Standards Division. The Division administers staff engineering activities concerned with the development of standards, criteria, specifications, and technical data relating to rural telephone systems and facilities; provides advice and assistance to agency officials, and, as requested, to borrowers concerning telephone standards; maintains liaison with Government and non-Government organizations on matters concerning the functions of the division.

Borrowers' Financial Management Division. The division administers agency activities concerned with: Borrowers' accounting; borrowers' auditing and examination of borrowers' records; borrowers' insurance; and staff activities concerned with borrowers' management. Provides advice and assistance to agency officials and borrowers concerning these activities.

Rural Areas Development Staff. This staff provides assistance in agency activities and works with other agencies to promote the economic development of rural areas for the purpose of developing the maximum service potential and financial strength of REA borrowers.

Specialist Staff. This staff performs centralized staff activities relative to borrower development including labor relations, architecture, safety, member services, commission regulation and other related functions.

Delegations of authority. Appendix I hereto [1] sets forth the delegations of final authority to officials of the Rural Electrification Administration which have been made by the Administrator.

Submittals, requests, and information. Submittals, requests, and informational inquiries may be made to the Administrator, to any affected officer or organizational subdivision set forth above, or, where applicable, to the officer to whom has been delegated final authority as to the matter involved. The person or organizational subdivision should be addressed at the Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Issued this 17th day of July 1967.

NORMAN M. CLAPP,
Administrator.

[F.R. Doc. 67-8515; Filed, July 21, 1967; 8:48 a.m.]

[1] Filed as part of original document. A copy of this Appendix may be examined in the office of, or obtained in person or by mail from, the Director, Information Services Division, Room 4038, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 627]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Elizabethtown, Ky.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforesaid Elizabethtown and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 9, 1967.

OFFICE

Small Business Administration Regional Office, Fourth and Broadway, Louisville, Ky. 40202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 13, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-8493; Filed, July 21, 1967; 8:45 a.m.]

[Declaration of Disaster Loan Area 626]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Oliver Springs, Tenn.;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property, situated in the aforesaid Oliver Springs and areas adjacent thereto, suffered damage or destruction resulting from floods occurring on July 11, 1967.

OFFICES

Small Business Administration Regional Office, 500 Union Street, Nashville, Tenn. 37219.

Small Business Administration Branch Office, 301 West Cumberland Building, Knoxville, Tenn. 37902.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 31, 1968.

Dated: July 13, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-8494; Filed, July 21, 1967; 8:45 a.m.]

[Declaration of Disaster Loan Area 628]

WYOMING

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of July 1967, because of the effects of certain disasters, damage resulted to residences and business property located in Natrona County, in the State of Wyoming;

Whereas, the Small Business Administration has investigated and received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property, situated in the aforsaid County and areas adjacent thereto, suffered damage or destruction resulting from floods and accompanying conditions occurring on July 15, 1967.

OFFICE

Small Business Administration Regional Office, 300 North Center Street, Casper, Wyo. 82601.

2. Applications for disaster loans under the authority of this declaration will

not be accepted subsequent to January 31, 1968.

Dated: July 18, 1967.

ROBERT C. MOOT,
Deputy Administrator.

[F.R. Doc. 67-8507; Filed, July 21, 1967; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 423]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 19, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 340), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 321 TA) (Amendment), filed June 19, 1967, published in FEDERAL REGISTER, issue of June 27, 1967, amended, and republished as amended, this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard; Post Office Box 471, Akron, Ohio. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW, Washington, D.C. 20036, and Douglas Faris (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Washington, D.C., and Ocean City, Md., over U.S. Highway 50, and return over the same route, serving all intermediate points; (2) between Wilmington, Del., and Emporia, Va.: From Wilmington, over U.S. Highway 40 to junction U.S. Highway 301, thence over U.S. Highway 301 to junction U.S. Highway 13, thence over U.S. Highway 13 to junction U.S. Highway 58, thence over U.S. Highway 58 to junction U.S. Highway 301 at or near Emporia, Va., and return over the same route, serving all intermediate points in Maryland and Delaware; and (3) between junction U.S. Highway 50 and U.S. Highway 301 and junction U.S. Highway 13 and U.S. Highway 113, near Pocomoke City, Md.: From junction U.S. Highway 50 and U.S. Highway 301 over U.S. Highway 301 to junction Maryland Highway 300, thence over Maryland Highway 300 to junction Delaware Highway 300, thence over Delaware Highway 300 to junction Delaware Highway 44, thence over Delaware Highway 44 to junction Delaware Highway 8, thence over Delaware Highway 8 to junction U.S. Highway 113, thence over U.S. Highway 113 to junction U.S. Highway 13, and return over the same route, serving all intermediate points. NOTE: Applicant states that the purpose of this amendment is to restrict the application against service at points in Virginia and to more adequately describe specific routes. Applicant states that it will tack the routes sought at Washington, D.C., Wilmington, Del., and Emporia, Va., with other authority now held by applicant in order to provide service between points sought in this application, on the one hand, and, on the other, points presently served by applicant in the States of Alabama, Arkansas, Connecticut, Georgia, Indiana, Kansas, Louisiana, Kentucky, Maryland, Massachusetts, Virginia, West Virginia, Delaware, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin, and the District of Columbia. Supporting Shippers: There are 28 shippers' supporting statements attached to application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or at the field office named below. Send protests to: G. J Baccei, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Building, 215 Superior Avenue, Cleveland, Ohio 44114.

No. MC 19227 (Sub-No. 120 TA), filed July 12, 1967. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33142. Applicant's representative: Carl Atherton (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical equipment, electrical switches, parts, and supplies*, (1) from Hampton, Ga., to points in New York; and (2) from points in Pennsylvania to Hampton, Ga.; for 180 days. Supporting shipper: Southern States, Inc., Hampton, Ga. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 50069 (Sub-No. 381 TA) (Correction), filed July 6, 1967, published in FEDERAL REGISTER, issue of July 14, 1967, corrected, and republished as corrected, this issue. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 930 North York Road, Hinsdale, Ill. 60521. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating oil*, from Cleveland, Ohio, to Kansas City, Kans.; for 150 days. Supporting shipper: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017, H. B. Brown, general traffic manager. Send protests to: William E. Gallagher, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1086, 219 South Dearborn Street, Chicago, Ill. 60604. NOTE: The purpose of this republication is set forth the destination point as Kansas City, Kans., rather than Kansas City, Mo., as previously inadvertently stated.

No. MC 83539 (Sub-No. 214 TA), filed July 14, 1967. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce Street, Post Office Box 5976, Dallas, Tex. 75222. Applicant's representative: J. P. Welsh (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board* (consisting of compressed sheets of sawdust, ground wood, ground bark and wood shavings with or without added resin content not exceeding 10 percent by weight), from the plantsite of Boise Cascade Corp., near Island City, Oreg., to points in Oklahoma and Texas; for 180 days. Supporting shippers: Boise Cascade Corp., Transportation Department, Post Office Box 1414, Portland, Oreg.; and Formica Corp., 4614 Spring Grove Avenue, Cincinnati, Ohio 45232. Send protests to: E. K. Willis, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 513 Thomas Building, 1314 Wood Street, Dallas, Tex. 75202.

No. MC 106603 (Sub-No. 96 TA), filed July 14, 1967. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. Applicant's representative: Robert E. Gesell and Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products* (except in bulk), from Rittman, Ohio, to points in Illinois, Indiana, and Kentucky; for 180 days. Supporting shipper: Morton Salt Co., 10335 Flora Street, Detroit, Mich. 48217. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 221 Federal Building, Lansing, Mich. 48933.

No. MC 126104 (Sub-No. 4 TA), filed July 14, 1967. Applicant: WEBER TRUCKING CORPORATION, 2055 West 4800 South Street, Roy, Utah 84067. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Railroad rail and railroad ties, track material, timbers, steel landing mat, and scrap steel*, between points in Washington, Oregon, California, Nevada, Arizona, New Mexico, Utah, Idaho, Montana, Colorado, and Wyoming; for 180 days. Supporting shipper: A & K Railroad Ties, 3438 Helen Street, Oakland, Calif. (yard); and 621 Sandalwood Isle, Alameda, Calif. (office). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2224 Federal Building, Salt Lake City, Utah 84111.

No. MC 129145 TA (Correction), filed June 6, 1967, published in FEDERAL REGISTER, issue of June 14, 1967, corrected, and republished as corrected, this issue. Applicant: DEWAYNE REES, doing business as REES TRUCKING CO., Prescott Route, Houston, Mo. 65483. Applicant's representative: Herman W. Huber, 101 East High Street, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet materials*, from points in Texas, Howell, Shannon, and Wright Counties, Mo., to points in Illinois, Iowa, Indiana, Michigan, Wisconsin, and Ohio; for 150 days. Supporting shipper: Missouri Pallet Co., Cabool, Mo. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1100 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106. NOTE: The purpose of this republication is to state that applicant does not wish to tack, as incorrectly stated previously.

No. MC 129155 (Sub-No. 1 TA), filed July 14, 1967. Applicant: DAVE SPANGLE, doing business as SPANGLE TRUCKING CO., Post Office Box 101, Moresville, Ind. 46158. Applicant's representative: Robert M. Pearce, Central Building, 1033 State Street, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, parts, attachments, and accessories for machinery*, from the plantsite of the Brane Corp. at Largo, Fla., to points in California, Missouri, Oklahoma, Oregon, Texas, and Washington, and ports of entry on the international boundary line between the United States and Canada located on the St. Lawrence, Niagara, Detroit, and St. Clair Rivers; and *rejected shipments* on return; for 180 days. Supporting shipper: The Brane Corp., 11625 Walsingham Road, Largo, Fla. Send protests to: R. M. Hagarty, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 129186 (Sub-No. 1 TA) (Correction), filed June 20, 1967, published in FEDERAL REGISTER, issue of June 28, 1967, corrected, and republished as corrected, this issue. Applicant: TEEL WILLIAMS & ASSOCIATES OF MEMPHIS TRUCKING, INC., doing business as TWA OF MEMPHIS, 615 Falls Building, Memphis, Tenn. 38103. Applicant's representative: Teel Williams (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* of all types, manufactured of, but not limited to, woods, metals, and upholstery, between points in Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Mississippi, Arkansas, Alabama, Georgia, Indiana, Michigan, Illinois, Wisconsin, Ohio, and Florida, on the one hand, and, on the other, points in Texas, Arizona, New Mexico, Nevada, California, Oregon, and Washington; for 180 days. Supporting shippers: C. B. Atkin Co., Post Office Box 1431, Knoxville, Tenn., 37901; Davis Cabinet Co., Box 5424, Nashville, Tenn. 37206; Drexel Furniture Co. (A Division of Drexel Enterprises, Inc.), Drexel, N.C. 28619; Futorian Manufacturing Corp. of New York, New Albany, Miss. 38652; and Gordon's, Inc., Johnson City, Tenn. 37602. Send protests to: W. W. Garland, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 390 Federal Office Building, 167 North Main, Memphis, Tenn., 38103. NOTE: The purpose of this republication is to correctly set forth the route description.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary*.

[F.R. Doc. 67-8506; Filed, July 21, 1967; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Changing Location of Hearing

On June 27, 1967, the Atomic Energy Commission issued a notice of hearing to consider the issuance of a provisional construction permit in the captioned proceeding to Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station) at a hearing before this Atomic Safety and Licensing Board to be held at 10 a.m., local time on August 1, 1967, at the County District Courthouse, 230 Main Street, Brattleboro, Vt. This notice was published in 32 F.R. 9334 on June 30, 1967.

At the prehearing conference held in Brattleboro, Vt., July 18, 1967, it was noted that the space available in the room provided might be inadequate to accommodate all of the participants and members of the public who might wish to attend the hearing. In order to provide additional space which would permit greater public attendance: *It is hereby ordered*, That the hearing shall be convened in the Federal Courtroom, 2d Floor, Post Office and Courthouse Building, Brattleboro, Vt., at 10 a.m., local time, on Tuesday, August 1, 1967.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Issued: July 20, 1967.

ATOMIC SAFETY AND LICENSING BOARD,
VALENTINE B. DEALE, *Chairman*.

[F.R. Doc. 67-8563; Filed, July 21, 1967; 8:48 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI68-2, etc.]

HUMBLE OIL & REFINING CO. ET AL.

Order Accepting Contract Amendments, Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

JULY 13, 1967.

The above-named Respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are designated as follows:

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[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R168-2	Humble Oil & Refining Co., Post Office Box 2180, Houston, Tex. 77001. Attn: Mr. John J. Carter.	39	17	Southern Natural Gas Co. (Sandy Hook Field, Marion County, Miss.).	$65,413	6-16-67	[3] 7-17-67	12-17-67	[4] [5] [6] 15.968	[4] [5] [6] [7] 16.9681	
	do	170	5	Transcontinental Gas Pipe Line Corp. (San Miquel Creek and Dilworth Fields, McMullen Counties, Tex.) (RR. District No. 1).	47,332	6-16-67	[3] 7-17-67	12-17-67	[8] [9] [10] 14.189	[8] [9] [10] 15.2025	
	do	272	2	Trunkline Gas Co. (Heard Ranch and Medio Creek Fields, Bee County, Tex.) (RR. District No. 2).	6,501	6-16-67	[3] 7-17-67	12-17-67	[8] [11] 15.25	[8] [9] [11] 16.25	
	do	137	3	Natural Gas Pipeline Company of America (Ramirena Southwest Field, Live Oak County, Tex.) (RR. District No. 2).	5,268	6-16-67	7-17-67	12-17-67	[8] 14.5	[8] [12] 15.5	
	do	154	4	United Gas Pipe Line Co. (Soso Field, Jones and Jasper Counties, Miss.).	5,731	6-16-67	7-17-67	12-17-67	[8] 14.0	[4] [13] 20.0	
	do	273	3	United Gas Pipe Line Co. (Normanna Field, Bee County, Tex.) (RR. District No. 2).	3,305	6-16-67	7-17-67	12-17-67	[8] 16.0	[8] [14] 17.5	
	do	314	10	United Gas Pipe Line Co. (Duck Lake Field, St. Mary and St. Martin Parishes, La.) (South Louisiana).	496	6-16-67	7-17-67	12-17-67	[8] 18.0	[4] [15] 20.625	
	do	35	16	do	795,909	6-16-67	7-17-67	12-17-67	[8] [16] 18.0	[4] [16] 20.62	
	do	123	9	United Gas Pipe Line Co. (Lapeyrouse Field, Terrebonne Parish, La.) (South Louisiana).	12,613	6-16-67	[3] 7-17-67	12-17-67	[8] 20.25	[4] [17] 20.625	
	do	155	4	United Gas Pipe Line Co. (Baxterville Field, Lamar and Marion Counties, Miss.).	4,584	6-16-67	[3] 7-17-67	12-17-67	[8] 14.0	[4] [18] 20.0	
	do	245	3	United Gas Pipe Line Co. (Houma Field, Terrebonne Parish, La.) (South Louisiana).	92,911	6-16-67	[3] 7-17-67	12-17-67	[8] [19] 15.75	[4] [5] [19] 20.625	
	do	36	13	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (South Crowley Field, Acadia Parish, La.) (South Louisiana).	4,041	6-16-67	[3] 7-17-67	12-17-67	[5] [6] 15.75	[4] [5] [20] 20.625	
	do	24	17	United Fuel Gas Co. (Cameron Meadows Field, Cameron Parish, La.) (South Louisiana).	125,339	6-16-67	[3] 7-17-67	12-17-67	[8] [9] 17.5	[4] [5] [21] 20.625	
	do	26	17	United Fuel Gas Co. (Avery Island Field, Iberia Parish, La.) (South Louisiana).	74,040	6-16-67	[3] 7-17-67	12-17-67	[8] [22] 17.5	[4] [5] [21] 20.625	
	do	135	11	United Fuel Gas Co. (Florence Field, Vermilion Parish, La.) (South Louisiana).	53,533	6-16-67	[3] 7-17-67	12-17-67	[8] [23] 18.7	[4] [5] [21] 20.625	
	do	140	5	Michigan Wisconsin Pipe Line Co. (Cheniere Perdue Field, Cameron Parish, La.) (South Louisiana).	2,501	6-16-67	[3] 7-17-67	12-17-67	[8] 19.75	[4] [21] 20.625	
	do	312	5	Valley Gas Transmission, Inc. (Ramirena, Southwest Field, Live Oak County, Tex.) (RR. District No. 2).	[24]	6-16-67	[3] 7-17-67	12-17-67	[8] 14.0	[8] [9] 15.0	
	do	235	4	United Gas Pipe Line Co. (Weeks Island Field, Iberia and St. Mary Parishes, La.) (South Louisiana).	51,964	6-16-67	[3] 7-17-67	12-17-67	[8] 17.5	[4] [25] 20.625	
	do	122	4	Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Rock Island Field, Colorado County, Tex.) (RR. District No. 3).	535	6-26-67	[3] 7-27-67	12-27-67	[8] [27] 14.6	[8] [27] 15.6	
	do	125	4	Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (West Rock Island Field, Colorado County, Tex.) (R.R. District No. 3).	302	6-26-67	[3] 7-27-67	12-27-67	[8] [27] 14.6	[8] [27] 15.6	
	do	21	14	Mississippi River Transmission Corp. (Woodlawn Field, Harrison County, Tex.) (RR. District No. 6).	462	6-16-67	[3] 7-17-67	12-17-67	[8] [9] 14.6	[8] [9] [10] 15.1440	
	do	111	8	do	837	6-16-67	[3] 7-17-67	12-17-67	[8] [9] 14.6	[8] [9] [10] 15.1440	
	do	153	3	Colorado Interstate Gas Co. (West Panhandle Field, Moore County, Tex.) (RR. District No. 10).	2,299	6-16-67	[3] 7-17-67	12-17-67	[8] [28] 12.0	[8] [28] [29] 13.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
R168-2	Humble Oil—Continued	192	5	Cities Service Gas Co. (Hardtner Field, Barber County, Kans.).	2,151	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 12.0	[6] [23] 14.0	
	do	193	10	Colorado Interstate Gas Co. (Greenwood Field, Morton and Stanton Counties, Kans., and Baca County Colo.).	5,341	6-16-67	[2] 7-17-67	12-17-67	[6] [29] 15.0	[6] [23] [29] 17.0	
	do	194	3	Kansas Nebraska Natural Gas Co. (Camrick Field, Texas County, Okla.) (Panhandle Area).	734	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 16.0	[6] [23] 17.0	
	do	195	5	Louisiana-Nevada Transit Co. (Red Rock and East Red Rock Fields, Webster Parish, La.) (North Louisiana).	26,398	6-16-67	[2] 7-17-67	12-17-67	14.0	[3] [4] 18.75	
	do	196	5	Panhandle Eastern Pipe Line Co. (South Greenough Field, Beaver County, Okla.) (Panhandle Area).	240	6-16-67	[2] 7-17-67	12-17-67	[2] 12.2827747	[2] [3] 14.0693601	
	do	197	[30] 16	Colorado Interstate Gas Co. (Mocane Field, Beaver County, Okla.) (Panhandle Area).		6-16-67	[2] 7-17-67	(Accepted)			
	do	197	17		32,385	6-16-67	[2] 7-17-67	12-17-67	[6] [31] 15.0	[6] [23] [31] 17.0	
	do	200	10	Natural Gas Pipeline Company of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	193	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 16.2	[6] [23] 17.0	
	do	202	16	Panhandle Eastern Pipe Line Co. (Knns Area, Texas County, Okla.) (Panhandle Area).	24,254	6-16-67	[2] 7-17-67	12-17-67	[6] 16.0 [6] [34] 17.0	[6] [32] 17.0	
	do	203	4	Northern Natural Gas Co. (Southeast and Southwest Elmwood Field, Beaver County, Okla.) (Panhandle Area).	559	6-16-67	[2] 7-17-67	12-17-67	[6] [29] 15.0	[6] [23] [29] 17.0	
	do	204	10	Panhandle Eastern Pipe Line Co. (Talogs Field, Morton County, Kans.).	17,913	6-16-67	[2] 7-17-67	12-17-67	[6] 15.5 [6] [35] 16.0	[6] [1] 17.5	
	do	205	5	Panhandle Eastern Pipe Line Co. (Greenough-Light Field, Beaver County, Okla.) (Panhandle Area).	414	6-16-67	[2] 7-17-67	12-17-67	[6] 12.2827747	[6] [1] 17.0	
	do	206	7	Panhandle Eastern Pipe Line Co. (Light Field, Seward County, Kans.).	409	6-16-67	[2] 7-17-67	12-17-67	[6] 12.2827747	[6] [3] 17.0	
	do	207	[30] 6	Colorado Interstate Gas Co. (Adams Ranch Field, Meade County, Kans.).		6-16-67	[2] 7-17-67	(Accepted)			
	do	207	7		7,713	6-16-67	[2] 7-17-67	12-17-67	[6] [29] 15.0	[6] [23] [29] 17.0	
	do	208	11	Northern Natural Gas Co. (Hugoton Field, Finney County, Kans.).	1,282	6-16-67	[2] 7-17-67	12-17-67	[6] [5] 12.0	[6] [23] [37] 13.5	
	do	209	6	Arkansas Louisiana Gas Co. (Chickasa Field, Grady County, Okla.) (Oklahoma "Other" Area).	[38]	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 12.0	[6] [1] [3] 13.0	
	do	217	4	Northern Natural Gas Co. (E. Embry Field, Edwards County, Kans.).	3,326	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 13.5	[6] [1] [36] 15.5	
	do	220	11	Natural Gas Pipeline Company of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	30	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 16.4	[6] [23] [40] 17.0	
	do	221	5	Northern Natural Gas Co. (Dower Field, Beaver County, Okla.) (Panhandle Area).	1,106	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 15.5	[6] [1] [41] 17.0	
	do	227	9	Natural Gas Pipeline Company of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	56	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 16.6	[6] [23] [40] 17.0	
	do	232	6	Lone Star Gas Co. (Deep Knox Field, Grady and Stephens Counties, Okla.) (Carter-Knox Area).	[42]	6-16-67	[2] 7-17-67	12-17-67	[6] 16.8	[6] [3] 17.9	
	do	240	4	Colorado Interstate Gas Co. (Hugoton Field, Haskell County, Kans.	195	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 11.0	[6] [1] [3] 13.5	
	do	242	10	Natural Gas Pipeline Company of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	235	6-16-67	[2] 7-17-67	12-17-67	[6] [1] 16.8	[6] [23] [40] 17.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-2	Humble Oil—Continued	211	15	Panhandle Eastern Pipe Line Co. (Greenough-Leslie Field, Beaver County, Okla. (Panhandle Area) and Mead County, Kans.).	6,453	6-16-67	[3] 7-17-67	12-17-67	[3] 16.0	[3] [13] 17.0	
	do	213	10	Natural Gas Pipeline Company of America (Southeast Camrick Field, Tremmel Unit, Beaver County, Okla.) (Panhandle Area).	7	6-16-67	[3] 7-17-67	12-17-67	[3] [11] 16.4	[3] [13] 17.0	
	do	215	9	Natural Gas Pipeline Company of America (Southeast Camrick Field, Beaver County, Okla.) (Panhandle Area).	235	6-16-67	[3] 7-17-67	12-17-67	[3] [11] 16.4	[3] [13] 17.0	
	do	252	3	Panhandle Eastern Pipe Line Co. (Hansford Field, Hansford County, Tex.) (R.R. District No. 10).	355	6-16-67	[3] 7-17-67	12-17-67	[3] 16.5	[3] [13] 17.5	
	do	253	7	Natural Gas Pipeline Company of America (Camrick Field, Beaver County, Okla.) (Panhandle Area).	480	6-16-67	[3] 7-17-67	12-17-67	[3] [11] 16.8	[3] [13] 17.0	
	do	254	6	Panhandle Eastern Pipe Line Co. (Light Heirs Farm and Sleeper Unit, Texas County, Okla.) (Panhandle Area and Seward County, Kans.)	4,375	6-16-67	[3] 7-17-67	12-17-67	[3] [20] 16.0	[3] [20] 17.0	
	do	285	5	Arkansas Louisiana Gas Co. (Beaver Northwest Pool, Grady County, Okla.) (Oklahoma "Other" Area.).	581	6-16-67	[3] 7-17-67	12-17-67	[3] [12] 12.0	[3] [13] 13.0	
	do	286	5	Arkansas Louisiana Gas Co. (Richland Pool, Stephens County, Okla.) (Oklahoma "Other" Area).	[42]	6-16-67	[3] 7-17-67	12-17-67	[3] [14] 12.0	[3] [13] 13.0	
	do	328	3	Lone Star Gas Co. (Sho-Vel-Tum Pool, Stephens County, Okla.) (Oklahoma "Other" Area).	1,656	6-16-67	[3] 7-17-67	12-17-67	[3] 15.0	[3] [4] 16.0	
	do	146	5	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin Area).	318	6-16-67	[3] 7-17-67	12-17-67	[3] 13.0	[3] [4] [43] 14.2730	
	do	210	5	El Paso Natural Gas Co. (East LaBarge Field, Lincoln and Sublette Counties, Wyo.).	12,129	6-16-67	[3] 7-17-67	12-17-67	[3] 15.384	[3] [4] 17.0	
	do	218	3	Mountain Fuel Supply Co. (Dry Piney Unit, Sublette County, Wyo.).	9,422	6-16-67	[3] 7-17-67	12-17-67	[3] 15.0	[3] [4] 16.0	
	do	249	8	El Paso Natural Gas Co. (Green River Bend Unit, Lincoln and Sublette Counties, Wyo.).	2,349	6-16-67	[3] 7-17-67	12-17-67	[3] 15.384	[3] [44] 17.0	
	do	250	8	El Paso Natural Gas Co. (Figure Four Canyon Unit, Sublette County, Wyo.).	1,502	6-16-67	[3] 7-17-67	12-17-67	[3] 15.384	[3] [44] 17.0	
	do	296	3	El Paso Natural Gas Co. (Walker Hollow Field, Uintah County, Utah).	27,472	6-16-67	[3] 7-17-67	12-17-67	15.0	[3] [45] 17.0	
RI68-3	Humble Oil & Refining Co. (Operator) et al.	149	9	United Gas Pipe Line Co. (Northwest Gibson Field, Terrebonne Parish, La.) (South Louisiana).	6,372	6-16-67	[3] 7-17-67	12-17-67	[3] 20.25	[47] 20.625	
	do	166	7	United Fuel Gas Co. (Calcasieu Pass Field, Cameron Parish, La.) (South Louisiana).	8,752	6-16-67	[3] 7-17-67	12-17-67	[3] [9] 19.50	[3] [9] [17] 20.625	
	do	318	2	Natural Gas Pipeline Company of America (South Angleton Field, Brazoria County, Tex.) (R.R. District No. 3).	9,838	6-16-67	[3] 7-17-67	12-17-67	[3] [11] 17.0	[3] [13] [46] 18.0	
	do	121	29	Northern Natural Gas Co. (Hansford Field, Hansford and Hutchinson Counties, Tex.) (R.R. District No. 10).	117,425	6-16-67	[3] 7-17-67	12-17-67	[3] [11] 16.5 [3] [7] [46] 17.0	[3] [4] [13] 17.5	
	do	191	22	Natural Gas Pipeline Company of America (South East Camrick Field, Texas County, Okla.) (Panhandle Area).	19,905	6-16-67	[3] 7-17-67	12-17-67	[3] [13] [46] 16.0 [3] [13] [46] 16.2 [3] [11] 16.4	[3] [13] [46] 17.0	
	do	307	4	Natural Gas Pipeline Company of America (Bryans Mill Field, Cass County, Tex.) (R.R. District No. 6).	1,517	6-16-67	[3] 7-17-67	12-17-67	[3] [8] 15.0	[3] [8] [13] 18.0	

See footnotes at end of table.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI68-4.....	Humble Oil & Refining Co. (Operator), agent for Henry C. Adams, et al.	343	12	Texas Eastern Transmission Corp. (Big Hill Field, Jefferson County, Tex.) (RR. District No. 3).	14,940	6-16-67	[3] 7-17-67	12-17-67 [2]	[4] 14.6	[5] [6] 15.6	

[1] The stated effective date is the first day after expiration of the statutory notice.
[2] Periodic rate increase.
[3] Pressure base is 15.025 psia.
[4] Rate applies to Mississippi sales only; Louisiana reserves depleted and leases abandoned.
[5] Subject to a downward B.t.u. adjustment.
[6] Inclusive of 1.0 cent gathering charge paid by the buyer plus 0.9681 cent tax reimbursement.
[7] Settlement rate as approved by Commission order issued July 8, 1964, in Docket Nos. G-9287 and G-9288, et al., as amended. Moratorium on filing increased rates expired June 1, 1967.
[8] Pressure base is 14.65 psia.
[9] Certain sour flash vapor gas, covered by amendment dated Jan. 21, 1963 (Supplement No. 1) is currently being sold at a rate of 5.0 cents per Mcf.
[10] Inclusive of 0.25 cent dehydration charge by seller.
[11] "Fractured" rate increase. Humble contractually due a rate of 16.5 cents per Mcf.
[12] "Fractured" rate increase. Humble contractually due a rate of 25.5425 cents per Mcf (24.0 cents base plus 1.5425 cents tax reimbursement).
[13] "Fractured" rate increase. Humble contractually due a rate of 18.63 cents per Mcf (18.0 cents base plus 0.63 cent tax reimbursement).
[14] "Fractured" rate increase. Humble contractually due a rate of 24.15 cents per Mcf (22.4 cents base plus 1.75 cents tax reimbursement).
[15] Inclusive of 0.15 cent gathering charged by Humble.
[16] "Fractured" rate increase. Humble contractually due a rate of 22.75 cents per Mcf (21.0 cents base plus 1.75 cents tax reimbursement).
[17] "Fractured" rate increase. Humble contractually due a rate of 25.5425 cents per Mcf (24.0 cents base plus 1.5425 cents tax reimbursement).
[18] "Fractured" rate increase. Humble contractually due a rate of 27.25 cents per Mcf (25.5 cents base plus 1.75 cents tax reimbursement).
[19] "Fractured" rate increase. Humble contractually due redetermined rate of 23.242 cents per Mcf.
[20] "Fractured" rate increase. Humble contractually due a rate of 21.1 cents per Mcf (19.6 cents base plus 1.5 cents tax reimbursement).
[21] "Fractured" rate increase. Humble contractually due a rate of 21.5 cents per Mcf (20.0 cents base plus 1.5 cents tax reimbursement).
[22] "Fractured" rate increase. Humble contractually due a rate of 22.25 cents per Mcf (20.75 cents base plus 1.50 cents tax reimbursement).
[23] No current deliveries being made.
[24] "Fractured" rate increase. Humble contractually due a rate of 24.55 cents per Mcf (22.5 cents base plus 2.05 cents tax reimbursement).
[25] Footnote 25 not used.
[26] Subject to a 0.21931 cent dehydration deduction by buyer, where applicable.
[27] Renegotiated rate increase.
[28] Subject to an upward and downward B.t.u. adjustment.
[29] Contract Amendment dated May 11, 1967, which provides for 17.0 cents rate from June 1, 1967 to May 31, 1972, and 1.0 cent periodic increases every 5 years thereafter (not applicable to acreage added by Supplement No. 14).
[30] "Fractured" rate increase with respect to acreage added by Supplement No. 14. Humble contractually due rate of 18.0 cents for such acreage pursuant to Amendment dated Oct. 11, 1965.
[31] "Fractured" rate increase. Humble contractually due 18.2 cents due to periodic price increase.
[32] "Fractured" rate increase. Humble contractually due 18.0 cents due to periodic price increase.
[33] Rate applicable to Supplement No. 11 only.
[34] Rate applicable to Supplement Nos. 6 and 7 only.
[35] Contract Amendment dated May 11, 1967, deletes indefinite pricing provisions from the contract, provides for 17.0 cents rate from June 1, 1967 to May 31, 1972 and 1.0 cent periodic increases every 5 years thereafter.
[36] "Fractured" rate increase. Humble contractually due 14.0 cents due to periodic price increase.
[37] No production.
[38] Two-step periodic increase.
[39] "Fractured" rate increase. Humble contractually due periodic increase to 18.2 cents per Mcf.
[40] "Fractured" rate increase. Humble contractually due periodic increase to 17.5 cents per Mcf.
[41] No current deliveries.
[42] Includes partial reimbursement for full 2.55 percent New Mexico Emergency School Tax.
[43] "Fractured" rate increase. Humble contractually due a rate of 18.5 cents per Mcf effective Jan. 1, 1963.
[44] "Fractured" rate increase. Humble contractually due a rate of 19.5 cents per Mcf effective Mar. 20, 1967.
[45] From settlement rate to contractually provided for rate for the first 5-year period from Feb. 28, 1963 to Feb. 28, 1968.
[46] Rate applicable to Supplement No. 17 only for which permanent certificate was issued at 17.0 cents in Docket No. G-12175.
[47] Filing from conditioned certificate rate to contract rate.
[48] Rate applicable to all acreage except acreage added by Supplement Nos. 4, 6, and 7.
[49] Rate applicable to Supplement Nos. 4 and 6 only.
[50] Rate applicable to Supplement No. 7 only.
[51] "Fractured" rate increase. Humble contractually due 19.0 cents due to periodic price increase.

Humble Oil & Refining Co., Humble Oil & Refining Co. (Operator) et al., and Humble Oil & Refining Co., Agent for Henry C. Adams et al. (all referred to herein as Humble) request an effective date of June 1, 1967, the date of expiration of filing moratorium for rate increases to levels in excess of area rate ceilings pursuant to terms of company-wide settlement in Docket Nos. G-9287 and G-9288, et al., for their proposed rate increases, with the exception of Supplement No. 4 to Humble's FPC Gas Rate Schedule Nos. 154, 155 and 217, respectively, and Supplement No. 5 to Humble's FPC Gas Rate Schedule No. 221 for which an effective date of July 1, 1967, is requested. Humble Oil & Refining Co. (Operator) et al., requests an effective date of June 19, 1967, for Supplement No. 4 to Humble's FPC Gas Rate Schedule No. 307. Humble also requests that should the Commission suspend its rate filings that the suspension period be a maximum of 1 day, or as short a period as possible. Good cause has not been shown for granting Humble's request for earlier effective dates or for limiting to one day the suspension period with respect to such rate filings and Humble's request is denied.

Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 296 contains a "fractured" rate increase from 15c to 17c per Mcf for a sale of gas to El Paso Natural Gas Co. in Uintah County, Utah, where no formal guideline prices have been announced by the Commission for this area. Since the proposed rate exceeds the 16.384c per Mcf for other rate increases filed in the area which are now under suspension, we conclude that Humble's proposed rate should be suspended for 5 months from July 17, 1967, the date of expiration of the statutory notice.

Concurrently with the filing of its rate increases, Humble submitted two contract amendments dated May 11, 1967, designated as Supplement Nos. 16 and 6 to Humble's FPC Gas Rate Schedule Nos. 197 and 207, respectively which provide for its proposed rate increases under the rate schedules involved. We believe that it would be in the public interest to accept for filing Humble's proposed contract amendments to become effective on July 17, 1967, the date of expiration of the statutory notice, but not the proposed rates contained therein which are suspended as herein ordered.

All of Humble's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR 2.56), with the exception of the rate increase filed in Supplement No. 3 to Humble's FPC Gas Rate Schedule No. 296 for which there is no announced formal ceiling rate for the area involved, but is the highest filed rate in the area involved.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Good cause has been shown for accepting for filing Humble's proposed contract amendments dated May 11, 1967, designated as Supplement Nos. 16 and 6 to Humble's FPC Gas Rate Schedule Nos. 197 and 207, respectively, and for permitting such supplements to become effective on July 17, 1967, the date of expiration of the statutory notice.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the proposed changes, and that the above-designated supplements be suspended and the use deferred as hereinafter ordered (except for the supplements set forth in paragraph (1) above).

The Commission orders:

(A) Humble's contract amendments dated May 11, 1967, designated as Supplement Nos. 16 and 6 to Humble's FPC Gas Rate Schedule Nos. 197 and 207, respectively, are accepted for filing and permitted to become effective on July 17, 1967, the date of expiration of the statutory notice.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules

of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in the above-designated supplements (except the supplements set forth in paragraph (A) above).

(C) Pending hearings and decisions thereon, the above-designated supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(D) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(E) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f) on or August 30, 1967.

By the Commission.

[SEAL] GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8355; Filed, July 21, 1967; 8:45 a.m.]

[Docket No. CP67-168]

SOUTHERN NATURAL GAS CO.

Supplemental Notice of Petition To Amend

JULY 20, 1967.

Take notice that on June 8, 1967, Southern Natural Gas Co. (Petitioner), Post Office Box 2563, Birmingham, Ala. 35202, filed in Docket No. CP67-168 a petition to amend the order issued by the Commission April 20, 1967, by authorizing Petitioner to construct the facilities originally authorized, in a different location, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order, Petitioner was authorized to construct and operate 31.84 miles of 24-inch O.D. pipeline loop along its existing White Castle-Franklinton Line, commencing at Mile Post 70.050. In the instant filing, Petitioner requests authorization to construct and operate the same 31.84 miles of 24-inch O.D. pipeline loop on the same White Castle-Franklinton Line but commencing at Mile Post 31.590, on the north side of the Mississippi River, a short distance downstream of White Castle Compressor Station. Petitioner states that additional surveys have indicated that the hereinproposed location will enable Petitioner to construct the pipeline loop in a less densely populated, less congested area which will also result in a lesser cost of construction. Petitioner further states that the location change proposed herein will not alter the system capacity provided by the pipeline loop.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before August 8, 1967.

GORDON M. GRANT,
Secretary.

[F.R. Doc. 67-8575; Filed, July 21, 1967; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 106]

APPEALS BOARD

Organization and Functions

The following order was issued by the Secretary of Commerce. This material supersedes the material appearing at 25 F.R. 2603 of March 26, 1960.

SECTION 1. *Purpose.* The purpose of this order is to prescribe the authority and functions of the Appeals Board for the Department of Commerce.

SEC. 2. *General.* The Appeals Board for the Department of Commerce, initially established on August 18, 1953, by Department Order 106 of that date, and which serves as an impartial body to consider certain appeals from the public, is continued within the Office of the Assistant Secretary for Administration. It shall be composed of a chairman and other members as may be designated by the Assistant Secretary for Administration and approved by the Secretary.

SEC. 3. *Authority and functions.* .01 The Appeals Board is authorized to consider and decide appeals by contractors from decisions made by contracting officers under contracts which provide for such an appeal to the Secretary.

.02 The Appeals Board is also authorized to consider and decide appeals by persons affected by:

a. Any order, regulation or administrative action issued pursuant to the authority delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), and the authority of the Secretary of Commerce under Section 402 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 512);

b. Any regulation or administrative action of the Bureau of International Commerce in connection with its authority for the administration of export controls under the Export Control Act of 1949, as amended (50 U.S.C. App. 2021 et seq.); and

c. Other administrative actions taken pursuant to law and referred to the Board by appropriate authority.

.03 Decisions by the Appeals Board on appeals arising under paragraphs .01 and .02 of this section shall be final within the Department.

.04 No member may act for the Appeals Board or participate in a decision on appeal if he has otherwise been directly involved in the administration of the contract, regulation, or other subject matter of the appeal.

.05 The Chairman of the Appeals Board is authorized to issue rules governing the handling of appeals.

SEC. 4. *Saving provision.* All outstanding delegations, regulations, orders and other actions issued by or relating to the Appeals Board shall remain in effect until amended or revoked by proper authority.

Effective date: July 7, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-8503; Filed, July 21, 1967; 8:46 a.m.]

[Dept. Order 46; Amdt. 4]

MANAGEMENT CONSULTING SERVICES

Procurement of Contracts

The following amendment to the order was issued by the Secretary of Commerce. This material amends the material appearing at 32 F.R. 6063 of April 15, 1967; 31 F.R. 8086 of June 8, 1966; 30 F.R. 6548 of May 12, 1965; and 29 F.R. 13541-13542 of October 1, 1964.

Department Order 46, dated September 16, 1964, is hereby further amended as follows:

1. SEC. 2. *Delegations of authority.* A new subparagraph .01d. is added to read:

"d. All documents in connection with the placing of advertising in any written medium for any purpose."

Paragraph .03 is deleted.

2. SEC. 3. *General provisions.* Paragraph .01 is amended to read:

".01 The Assistant Secretary for Administration is hereby authorized and directed to exercise the procurement authority (including authority to approve and execute contracts, and all documents in connection with the placing of advertising in any written medium for any purpose) delegated to him in Department Order 134, either through the Office of Administrative Services or as he otherwise directs, on behalf of the organizational units listed in Part II of Appendix."

Effective date: July 10, 1967.

DAVID R. BALDWIN,
Assistant Secretary for Administration.

[F.R. Doc. 67-8504; Filed, July 21, 1967; 8:46 a.m.]

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